



**City of Bloomington
Office of the Common Council**

December 22, 2006

Bill Stuebe, President
City of Bloomington Plan Commission
401 North Morton, Room 160
P.O. Box 100
Bloomington, IN 47402

Dear Mr. Stuebe,

This letter is being written pursuant to I.C. 36-7-4-606(g), which requires the Common Council, in the event it amends a proposal to replace the City's zoning ordinance, to return it to the Plan Commission with a statement of reasons for the amendments. On November 17, 2006, the Common Council received certification of the Plan Commission action on the proposal to replace our zoning ordinance, which has been designated as Ordinance 06-24 and is more commonly known as the Unified Development Ordinance (UDO). That ordinance, a signed copy of which is attached to this letter, has the following five appendixes either attached to or incorporated by reference into the document:

- Appendix A: Draft F of the UDO;
- Appendix B: Zoning Maps;
- Appendix C: Amendments to Draft F and the Maps made by the Plan Commission;
- Appendix D: Space for insertion of Council amendments to the proposal; and
- Appendix E: Special Findings of Facts regarding the regulation of sexually oriented businesses

On December 20, 2006, after a series of meetings over three weeks that comprised one long Special Session, the Common Council approved Ordinance 06-24 by a vote of 7 – 2 and with twenty-one amendments. I have attached what constitutes Appendix D of the Ordinance, which includes:

- a log of all amendments considered by the Council which, among other information, includes the number, sponsor, synopsis, and action by the Council. *Please note that the synopses are intended to summarize as well as provide the statement of reasons for the amendments. Please also note that the darkened rows indicate amendments that were not passed by the Council.*
- a packet of amendments adopted by the Council; and,
- a packet of amendments denied or not introduced by the Council.

The Council extends its deep appreciation for the countless hours of work the Plan Commissioners undertook in crafting the UDO over the last few years and is looking forward to your response to these proposed amendments.

Sincerely,

Daniel Sherman
Administrator/Attorney

ORDINANCE 06-24

*Added 7-2
Crawford, W. (en)*

TO REPEAL AND REPLACE
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED, "ZONING", INCLUDING THE INCORPORATED ZONING MAPS,
AND TITLE 19 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED
"SUBDIVISIONS"

WHEREAS, the Common Council, by its Resolution 02-19, approved a substantial update to the Comprehensive Plan for the City of Bloomington, which took effect on December 19, 2002; and

WHEREAS, the Plan Commission has initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled "Zoning", including the incorporated zoning maps, and Title 19 of the Bloomington Municipal Code, entitled "Subdivisions"; and

WHEREAS, this proposal would replace the aforementioned Titles of the Bloomington Municipal Code with a single "Unified Development Ordinance" including incorporated zoning maps, to be codified as Title 20; and

WHEREAS, the Plan Commission certified the proposal to the Common Council with a favorable recommendation on November 17, 2006, after having provided notice and held public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Council have received information and evidence related to the secondary effects of sexually oriented businesses, and have made findings based upon such information and evidence and in support of regulations contained within this Proposal that place restrictions upon the location and concentration of such businesses;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Title 19, entitled "Subdivisions" is repealed.

SECTION II. Title 20, entitled "Zoning", including the incorporated zoning maps, is repealed.

SECTION III. A replacement zoning and subdivision ordinance, entitled "Title 20, Unified Development Ordinance", including the zoning maps and other material that are incorporated therein by reference, is hereby adopted, such replacement ordinance consisting of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) Adoption Draft (Draft F), Bloomington Unified Development Ordinance, released September 1, 2006 (hereinafter "Attachment A"); and
 - (B) Proposed Zoning Maps incorporated in Attachment A (consisting of the "UDO Zoning Districts" map and the "UDO Downtown Overlay Districts" map, collectively "Attachment B"); and
 - (C) Plan Commission Amendments to Attachments A and B (hereinafter

- "Attachment C"); and
2. The Common Council's amendments to Attachments A, B and C (hereinafter "Attachment D").

SECTION IV. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section III into a single text document and one or more incorporated map documents for codification.

SECTION V. The Common Council hereby ratifies, accepts, and adopts as its own findings, the Plan Commission's Findings on Adverse Secondary Effects of Sexually Oriented Businesses, which are attached hereto and incorporated herein as Attachment E.

SECTION VI. Incorporation by Reference. Two copies of the zoning maps and other material that are incorporated into Title 20 by reference are on file in the office of the City Clerk for public inspection.

SECTION VII. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.


SECTION VIII. This ordinance shall be in full force and effect from and after February 12, 2007, following its passage by the Common Council, approval by the Mayor, action by the Plan Commission, and promulgation by law; provided, however, Section 20.05.095 "SC-08 [Special Conditions; Dwelling, Multifamily] [CD]", and Section 20.05.098 "SC-11 [Special Conditions; Dwelling, Upper Floor Units] [CD]", concerning fire sprinkler requirements for certain residential uses in the Commercial Downtown District, shall take effect on February 12, 2007, or upon its approval by the Fire Prevention and Building Safety Commission of the Indiana Department of Homeland Security, whichever occurs later.

SECTION IX. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20 day of DECEMBER, 2006.


CHRIS STURBAUM, President
Bloomington Common Council

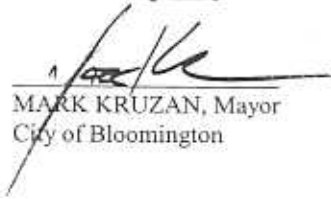
ATTEST:


REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21st day of DECEMBER, 2006.


REGINA MOORE, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 2nd day of DECEMBER, 2006.


MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance repeals Title 20 of the Bloomington Municipal Code, containing the existing zoning ordinance and its incorporated zone maps, and Title 19, containing the related Subdivision regulations, and adopts a replacement, combined zoning and subdivision ordinance, entitled "Unified Development Ordinance", including the zoning maps and other material that have been incorporated into the ordinance by reference.

Note: The Common Council amended this ordinance over a course of three weeks in December 2006. Indiana Code §36-7-4-606(g) directs the Council to return this ordinance with a written statement of reasons for the amendments to the Plan Commission who will have forty-five (45) days to adopt, reject or fail to act upon the Council's amendments. Council Amendment 30 anticipates this review process and delays the effective date of this ordinance until February 12, 2007. A copy of the Plan Commission's report will be attached to this ordinance.

Signed copies:

Legal (10)
Planning
Plan Commission

CA/CA (3)
Clerk
file
PMC (2)


****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 06-24 is a true and complete copy of Plan Commission Case Number ZO-22-06 which was given a recommendation of approval by a vote of 10 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 13, 2006.

Date: November 17, 2006


Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this 17th day of NOVEMBER, 2006.


Regina Moore, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Log of Amendments to Ord 06-24 (Unified Development Ordinance)

(Reflecting Actions Taken Through 12/20/06 – Final Version)

Code: (Clear) = Adopted
 Shaded = Defeated or Not Introduced

Council Amendment	Related Plan Commission Amendment	Chapter Affected	Sponsor	Synopsis	Action	Vote	Date of Action
01a	UDO-026	20.03	Sturbaum	Am 01 would revive Plan Commission Amendment UDO-026 and reduce the height thresholds in all but one downtown overlay district in order to bring more projects within review by the Plan Commission. The change is intended to gain the benefits that flow from a public airing of a project. <i>Am 01a was introduced at the meeting on Monday, December 4, 2006, and differed from Am 01 in regard to the height threshold triggering Plan Commission review of projects on Restaurant Row, which was lowered from 40 to 35 feet.</i>	Adopted	6 – 3 (Ruff, Volan, and Wisler)	12/4/06
02	UDO-011 And UDO-019	20.03	Sturbaum	This amendment would reject Plan Commission Amendments UDO-011 and UDO-019 by reinstating or inserting a 10-foot setback along the B-Line Trail in the affected downtown overlay districts except the Showers Technology Park, where the setback would be 15 feet. The Plan Commission amendments would have allowed up to 70% of the building facades along the trail to be built at the edge of the right-of-way. This change is intended to preserve the “pedestrian friendly” quality of this unique downtown amenity.	Postponed Until 12/11/06	8 – 1 (Diekhoff)	12/04/06
					Adopted	5 – 3 (Mayer, Sabbagh & Wisler) (Diekhoff absent)	12/11/06
03	UDO-020	20.03	Sturbaum	This amendment would reject Plan Commission Amendment UDO-020 and reinstate the requirement that there be at least one entrance for each <i>ground floor use</i> along the B-Line Trail rather than requiring that there be at least one entrance for each <i>structure</i> along the trail. This change is intended to keep the “pedestrian friendly” quality of this unique downtown amenity.	Defeated	1 (Sturbaum) - 8	12/4/06
04	UDO-021	20.03	Sturbaum	This amendment would reject Plan Commission Amendment UDO-021 and reinstate the requirement that there be at least one pedestrian entrance on each building façade that faces a public street rather than requiring one pedestrian entrance for building facades with more than 66 feet of frontage. This amendment serves the goal of providing a “pedestrian friendly” streetscape.	Defeated	0 – 9	12/4/06
05	UDO-054	20.05	Sturbaum	This amendment would reject Plan Commission Amendment UDO-054 by limiting Historic Adaptive Reuse as a Conditional Use to properties which have received <i>local</i> rather than <i>local, state, or federal</i> historic designations. This amendment would assure that the restorations would be consistent with historic standards and preserved over time.	Adopted	9 - 0	12/4/06

06	UDO-131	20.05	Gaal	This amendment would reject Plan Commission Amendment UDO-131 and reinstate original standards for bicycle storage in multifamily projects with more than 64 bedrooms. Those standards require that ¼ of the mandated bicycle storage be in the form of Class I Bicycle Parking Facilities, which are secure, enclosed, and intended for overnight use. This amendment is intended to promote the use of bicycles by making it more convenient to store them.	Adopted	8 – 1 (Wisler)	12/4/06
07	UDO-096	20.06	Rollo	This amendment revives Plan Commission Amendment UDO-096 and would prohibit cul-de-sacs in Conventional Subdivisions and not permit them in Conservation Subdivisions unless approved by the Plan Commission. This change is intended to promote connectivity within our road network and mitigate the increasing levels of traffic.	Postponed	9 - 0	12/7/06
					Adopted	7 – 0 (Gaal & Ruff Absent)	12/14/06
08	N/A	20.11	Rollo	This amendment is intended to protect the City’s tree cover and clarifies that illegally removed trees must be replaced by trees planted in the same area as the removed tree, unless another area is necessary to ensure the health of the trees.	Adopted	8 – 0 (Diekhoff absent)	12/7/06
09	UDO-064	20.05	Rollo	This amendment modifies Plan Commission Amendment UDO-064 and requires platted lots of record of less than one acre in size to have one, rather than three, twenty-five (25) foot, graduated riparian buffers, in the event the lot is near an intermittent or perennial stream. This change is intended to offer more protection for the environment, while still allowing most affected lots to be developed.	Adopted	7 – 0 (Gaal & Ruff Absent)	12/14/06
10	N/A	20.02 20.05	Wisler	This amendment would allow convenience stores (with gas) and gas stations in Industrial General (IG) districts as permitted uses with special conditions in order to promote competition and provide efficient delivery of those services.	Adopted	9 – 0	12/7/06
11	N/A	20.02 20.05	Wisler	This amendment would allow convenience stores (with gas) in Business Park (BP) districts as a permitted use with special conditions in order to promote competition, provide efficient delivery of those services, and still be compatible with surrounding uses.	Postponed until 12/13/06	9 – 0	12/7/06
					Not Introduced		12/13/06
11a	N/A	20.02 20.05 20.12	Wisler	This amendment would allow convenience stores (with gas or alternative fuels) in Business Park (BP) districts as a permitted use with special conditions in order to promote competition, provide efficient delivery of those services, and still be compatible with surrounding uses. <i>Note: Am 11a differs from Am 11 in that it requires that any convenience store with gas in a BP district provide alternative fuel in at least half of its dispenser units. It was amended on the floor in order to replace the term “ethanol” with “majority ethanol blend” in 20.05.092(a)(1).</i>	Amended	7 – 0 (Gaal & Mayer Absent)	12/13/06
					Adopted as Amended 7 – 0	7 – 0 (Gaal & Mayer Absent)	12/13/06
12	N/A	20.06 20.07	Volan	This amendment would eliminate the Conventional Subdivision (CV) category. The CV subdivision is the least sustainable subdivision type and is contrary to the City’s Growth Policies Plan (GPP) – it encourages cul-de-sacs, discourages connectivity and does not provide for local commerce.	Defeated	3 (Rollo, Ruff & Volan) – 6	12/7/06

13	N/A	20.06 20.07	Volan	This amendment renames “Conventional Subdivision (CV)” to “Suburban Subdivision (SS)” to better reflect its nature and history as a sub-urban form of development.	Adopted	5 (Volan, Wisler, Rollo, Ruff & Sturbaum) – 4	12/7/06
14	N/A	20.04 20.10	Volan	This amendment makes the submittal of a physical or computer-generated three-dimensional model mandatory as part of any Site Plan involving new development in the Commercial Downtown (CD) and discretionary in Planned Unit Development (PD) districts. If an applicant provides a physical model, s/he must also provide a “fly-around” moving picture image showing the physical model in 360 degrees. This requirement is intended to assist the reviewing body in evaluating the proposed development in its spatial and architectural context. <i>Note: the amendment was amended without opposition on the floor of the Council to clarify the nature of these submissions. Those amendments are indicated in double strikeout and bold in the body of the amendment.</i>	Adopted as Amended	6 – 2 (Mayer & Sabbagh) – 1 (Wisler)	12/7/06
15	N/A	20.05	Council	This amendment allows businesses to conduct temporary retail activity for a maximum of forty-five (45) consecutive days provided the site of the temporary retail activity is also the site of a permanent and associated retail use. The intent of this amendment is to provide such business owners with a longer period of time to conduct temporary retail activity.	Adopted	9 – 0	12/4/06
16	N/A	20.02	Gaal	This amendment adds language to the District Intent Statement for the Commercial Downtown District in Chapter 20.02 (Zoning Districts) that is intended to apply to all the downtown district overlay zones established in Chapter 20.03 (Overlay Districts) as well. This language reflects the Downtown Vision and Infill Strategy Plan’s call for a mix of residential housing in the downtown that serves all income and age groups.	Adopted	7 – 0 (Diekhoff and Volan – out)	12/11/06
17	N/A	20.01 20.04 20.10	Ruff	This amendment authorizes the Council to exercise certain powers granted under I.C. 36-7-4-1500 et al when considering a Planned Unit Development (PUD) district ordinance. These powers include imposing reasonable conditions, conditioning the issuance of a certificate of zoning compliance on the providing of certain assurances, and allowing or requiring the property owner to make written commitments in connection with those proposals. Their exercise would give the Council the means to improve the PUD proposal without being forced to deny the ordinance in order to see the change.	Adopted	7 (Diekhoff, Gaal, Mayer, Rollo, Ruff, Sturbaum & Volan) – 2 (Sabbagh & Wisler)	12/14/06
18	UDO - 074	20.03	Volan	This amendment eliminates the minimum parking requirements in the Downtown Core Overlay (DCO) District, University Village Overlay (UVO) District, Downtown Edges Overlay (DEO) District, Downtown Gateway Overlay (DGO) District and the Showers Technology Park Overlay (STPO) District and states residential parking requirements as maximum figures in all of these Districts and the Courthouse Square Overlay (CSO) District. The intent of this amendment is to provide incentives for people to use public transit and to provide incentives for residential and commercial use by reducing space for the storage of automobiles.	Not Introduced		12/13/06

18a	UDO - 074	20.03	Volan	Am 18 would eliminate the minimum residential parking requirements in the Downtown Core Overlay (DCO) District, the University Village Overlay (UVO) District, the Downtown Edges Overlay (DEO) District, the Downtown Gateway Overlay (DGO) District and the Showers Technology Park Overlay (STPO) District and would eliminate the non-residential parking requirements in DEO, DGO and STPO. The intent of this amendment is to provide incentives for people to use public transit and to provide incentives for residential and commercial use by reducing space for the storage of automobiles. <i>Note: While Am 18 both eliminated the minimum parking requirement and imposed maximums in all of the above-referenced Downtown Overlay Districts, Am 18a only eliminates the minimum parking requirement in these districts.</i>	Not Introduced		12/13/06
19	N/A	20.03 20.05 20.07	Volan	This amendment would shift the threshold for parking requirements from a minimum figure to a maximum figure. By stating allowable parking in terms of a maximum limit, the intent of this amendment is to accomplish the transportation goals set forth in the City's Growth Policies Plan. <i>Note: This amendment offers a different framework for parking than found in the current draft of the UDO. For that reason, the changes presented below are merely illustrative of the amendment's proposal. Passage of this amendment would have the effect of directing staff to make the necessary systemic changes to the UDO and file them with the City Clerk prior to final action on the UDO by the Council at the Regular Session on December 20, 2006.</i>	Not Introduced		12/13/06
19a	N/A	20.03 20.05 20.07	Volan	Am 19 would shift the threshold for parking requirements from a minimum figure to a maximum figure. By stating allowable parking in terms of a maximum limit, the intent of this amendment is to accomplish the transportation goals set forth in the City's Growth Policies Plan. <i>Note: Am 19a differs from Am 19 in that it includes maximum parking limits on non-residential development in the Downtown Overlays Districts. In these districts, any parking shall not exceed fifty percent (50%) of the parking allowed in Exhibit PK-A: Required Maximum Number of Parking Spaces by Land Use.</i>	Not Introduced		12/13/06
20	UDO-066a	20.05	Volan	This amendment restores the minimum separation requirement between projecting signs in the Commercial Downtown to fifty feet. Plan Commission Amendment 66a increased the requirement to 100 feet. Restoring the requirement to the originally-recommended fifty feet is intended to allow every retail business with narrow street frontage to erect a projecting sign regardless of the mere existence of projecting signs on neighboring businesses.	Defeated	3 (Ruff, Volan & Wisler) – 6 (Diekhoff, Gaal, Mayer, Rollo, Sabbagh & Sturbaum)	12/14/06
					Motion to Reconsider	None	12/20/06

21	N/A	Through out	Volan	This amendment changes the phrase “alternative transportation” to “traditional transportation” wherever it appears in the UDO. The intent of this ordinance is to destigmatize normal, time-honored forms of urban transportation by presenting them co-equally with private motorized four-wheeled vehicles, and to encourage City officials and private citizens alike to consider non-automotive transportation choices co-equally with automotive ones when making decisions about urban infrastructure that affect transportation choices.	Defeated	2 (Ruff & Volan) – 5 (Diekhoff, Mayer, Rollo, Ruff & Wisler)	12/13/06
22	N/A	20.05 20.07	Rollo and Sturbaum	This amendment addresses an incentive-based Green Development initiative proposed in Chapter 20.05 and 20.07. It differs from current text by augmenting the green development standards, lowering the density bonus for the second level of incentives and creating a third level of incentives. The third level of incentive would apply to projects that meet the first and second level and also provide additional green development standards or a 15% set aside for affordable housing. <i>Note: This amendment was postponed on December 14th in order to provide time for staff to mediate differences between the sponsors. That effort led to changes that were distributed on Monday, December 18th and are found below.</i>	Postponed Until 12/20/06	9 - 0	12/14/06
					Adopted as Submitted on 12/20/06	9 - 0	12/20/06
23	N/A	20.02 20.05 20.12	Micuda	This amendment includes numerous technical, “housekeeping,” changes submitted by Tom Micuda, Director of Planning. Please see the amendment synopsis for a summary of these changes. <i>Please also note that it was reconsidered on December 20th and amended to include “cemeteries” to the list of uses that cannot be near sexually oriented businesses because they are treated like parks by those who live near them.</i>	Adopted	8 -0 (Volan absent)	12/11/06
					Motion to Reconsider	9 - 0	12/20/06
					Amend	9 – 0	12/20/06
					Adopt as Amended	9 – 0	12/20/06
24	N/A	20.02 20.05 20.10 20.12	Bernens	This amendment includes numerous technical, “housekeeping,” changes submitted by Tricia Bernens, City Attorney. Please see the amendment synopsis for a summary of these changes.	Adopted	8 -0 (Volan absent)	12/11/06
25 (Map)	N/A	Maps	Volan and Others	This amendment would revise the zoning map for a portion of the Old Northeast Neighborhood bounded by East 10 th Street to the north, Woodlawn Avenue to the east, East 7 th Street to the south, and Indiana Avenue to the west. The amendment would change proposed RM (Residential Multifamily) zoning to RC (Residential Core) zoning for four separate areas within the neighborhood.	Defeated	4 (Rollo, Ruff, Sturbaum & Volan – 2 (Gaal & Wisler)	12/11/06
26 (Map)	N/A	Maps	Micuda	This amendment rezones thirteen (13) acres at the Southeast corner of the Rockport Road-Country Club Drive intersection from PUD to Institutional (IN) and rezones 1.3 acres at the Northeast corner of the intersection from PUD to Residential Single-Family (RS).	Adopted	7 – 0 (Diekhoff & Volan absent)	12/11/06

27 (Map)	N/A	Maps	Micuda	This amendment rezones properties on the west side of Kimble Drive covering addresses from 111 N. Kimble Drive to 421 N. Kimble Drive and 2540, 2546, 2547 and 2563 West Evergreen Drive from Residential Single-Family (RS) to Residential Multifamily (RM).	Adopted	7 – 0 (Diekhoff & Volan absent)	12/11/06
28	UDO-011 UDO-019	20.03	Sabbagh	This amendment removes all setback requirements along the B-Line Trail. Amendments UDO-011 and UDO-019 as adopted by the Plan Commission allow a maximum of seventy percent of the building façade facing the trail to be built at the edge of the trail right-of-way. This change is intended to provide developmental flexibility along the B-Line trail.	Not Introduced		12/11/06
29	UDO-020	20.03	Sturbaum	This amendment would modify Plan Commission Amendment UDO-020, which required that there be at least one entrance per 200 feet of <i>property</i> frontage and at least one entrance for each <i>building</i> frontage along the B-Line Trail. This amendment would lower the <i>property</i> frontage requirement to 66 feet. This change is intended to preserve the “pedestrian friendly” quality of this unique downtown amenity. <i>It was subject to a Motion to Reconsider on December 20th with a further motion to amend to apply it to the “building” rather than “property” frontage and extend that distance to one hundred (100) feet.</i>	Defeated	4 (Gaal, Mayer, Rollo & Ruff) – 3 (Ruff, Sabbagh & Wisler)	12/11/06
					Reconsidered	7 – 2 (Sabbagh & Wisler)	12/20/06
					Amended	9 – 0	12/20/06
					Adopted as Amended	7 – 2 (Sabbagh & Wisler)	12/20/06
30	N/A	Sect VIII of <u>Ord06-24</u>	City Legal	This amendment delays the effective date of the ordinance until February 12, 2007 in order to give the Plan Commission time to act on it and the consultant time to incorporate all the amendments before it goes into effect. The amendment also acknowledges that two provisions of the ordinance regarding “fire sprinklers” need approval of the Fire Prevention and Building Safety Commission of the Indiana Department of Homeland Security before they can go into effect as well.	Amend the Agenda to Introduce this Amendment	9 – 0	12/20/06
					Adopted	9 – 0	12/20/06

VOTE ON <u>ORD 06-24</u> AS AMENDED BY THE COMMON COUNCIL	7 (Diekhoff, Gaal, Mayer, Rollo, Ruff, Sturbaum & Volan) - 2 (Sabbagh & Wisler)	Adopted
		DECEMBER 20, 2006 REGULAR SESSION (During Portion of the Agenda Serving as a Continuation of the December Special Session for Considering the UDO)

Amendments to Ordinance 06-24
***Adopted* by the Common Council**
(In Numerical Order)

Am 01a

Am 02

Am 05

Am 06

Am 07

Am 08

Am 09

Am 10

Am 11a

Am 13

Am 14

Am 15

Am 16

Am 17

Am 22

Am 23

Am 24

Am 26 (Map)

Am 27 (Map)

Am 29

Am 30

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 01a Plan Commission Amendment #: UDO-026

Sponsor: Sturbaum Date: 11/28/06

Synopsis

Am 01 would revive Plan Commission Amendment UDO-026 and reduce the height thresholds in all but one downtown overlay district in order to bring more projects within review by the Plan Commission. The change is intended to gain the benefits that flow from a public airing of a project. *Am 01a was introduced at the meeting on Monday, December 4, 2006, and differed from Am 01 in regard to the height threshold triggering Plan Commission review of projects on Restaurant Row, which was lowered from 40 to 35 feet.*

Action: Adopt 6 – 3 (Ruff, Volan & Wisler) Adopted
Action Date: December 4, 2006

Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~:

1. Courthouse Square Overlay (CSO) District,
20.03.050 Development Standards,
Page 3-5 (both Draft F and Integrated UDO):

(b) Height Standards:

(1) *General:*

(A) Minimum Structure Height: 25 feet.

(B) Maximum Structure Height: ~~55~~ 40 feet.

~~_____ (2) *Buildings located on the Courthouse Square:*~~

~~_____ (A) Minimum Structure Height: 25 feet.~~

~~_____ (B) Maximum Structure Height: 40 35 feet.~~

2. Downtown Core Overlay (DCO) District,
20.03.120 Development Standards,
Page 3-11 (Draft F); Page 3-9 (Integrated UDO)

(b) Height Standards:

(1) *Minimum Structure Height:* 35 feet

(2) *Maximum Structure Height:* ~~60~~ 50 feet

3. University Village Overlay (UVO) District
20.03.190 Development Standards,
Page 3-17 (Draft F); Page 3-14 (Integrated UDO)

(b) Height Standards:

(1) *General:*

(A) Minimum Structure Height: 25 feet

(B) Maximum Structure Height: ~~55~~ 40 feet

(2) *Restaurant Row Corridor:*

(A) Minimum Structure Height: 25 feet.

(B) Maximum Structure Height: 40 ~~35~~ feet.

4. Downtown Gateway Overlay (DGO) District
20.03.330 Development Standards,
Page 3-27 (Draft F); Page 3-23 (Integrated UDO)

(b) Height Standards:

(1) *Minimum Structure Height:* 25 feet

(2) *Maximum Structure Height:* ~~50~~ 40 feet

5. Showers Technology Park Overlay (STOP) District
20.03.400 Development Standards,
Page 3-31 (Draft F); Page 3-2 (Integrated UDO)

(b) Height Standards:

(1) *Minimum Structure Height:* 25 feet.

(2) *Maximum Structure Height:* ~~55~~ 45 feet.

Note: The Downtown Edges Overlay (DEO) District already has an adequate height review threshold.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 02 Plan Commission Amendment #: UDO-011 and UDO-019

Sponsor: Sturbaum Date: 11/28/06

Synopsis

This amendment would reject Plan Commission Amendments UDO-011 and UDO-019 by reinstating or inserting a 10-foot setback along the B-Line Trail in the affected downtown overlay districts except the Showers Technology Park, where the setback would be 15 feet. The Plan Commission amendments would have allowed up to 70% of the building facades along the trail to be built at the edge of the right-of-way. This change is intended to preserve the “pedestrian friendly” quality of this unique downtown amenity.

Action: Postpone Until December 11, 2006 8 – 1 (Diekhoff) Adopted

Action Date: December 4, 2006

Action: Adopt 5 – 3 (Mayer, Sabbagh and Wisler) (Diekhoff absent) –
Adopted

Action Date: December 11, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. Courthouse Square Overlay (CSO) District
Section 20.03.060 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-6 (Draft F); Page 3-5 (Integrated UDO)

(D) B-Line Trail:

(ii) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge. ~~a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.~~

2. Downtown Core Overlay (DCO) District
Section 20.03.130 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-11 (Draft F); Page 3-9 (Integrated UDO)

(D) B-Line Trail:

- (ii) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.

- 3. Downtown Edges Overlay (DEO) District
Section 20.03.270 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-23 (Draft F); Page 3-19 (Integrated UDO)

(D) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.

- 4. Downtown Gateway Overlay (DGO) District
Section 20.03.340 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-27 (Draft F); Page 3-24 (Integrated UDO)

(D) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.

- 5. Showers Technology Park Overlay (STPO) District
Section 20.03.410 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-32 (Draft F); Page 3-28 (Integrated UDO)

(D) B-Line Trail:

- (ii) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of fifteen (15) feet from the right-of-way edge. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 05 Plan Commission Amendment #: UDO-054

Sponsor: Sturbaum Date: 11/28/06

Synopsis

This amendment would reject Plan Commission Amendment UDO-054 by limiting Historic Adaptive Reuse as a Conditional Use to properties which have received *local* rather than *local, state, or federal* historic designations. This amendment would assure that the restorations would be consistent with historic standards and be preserved over time.

Action: Adopt 9 – 0 Adopted
Action Date: December 4, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. 20.05.025 CU-03 [Conditional Use; Historic Adaptive Reuse]
Page 5-19 (Draft F); Page 5-20 (Integrated UDO)

20.05.025 CU-03 [Conditional Use; Historic Adaptive Reuse]

This Conditional Use Standards section applies to the following zoning districts:

[RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD] [IG] [BP] [IN] [MD] [QY]

(a) The property shall have been designated historic at the local, ~~state, or national~~ level, or have had a petition filed for such designation, at the time of the application for a Conditional Use approval.

(b) The proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said historic district.

(c) The proposed use shall enhance the ability to restore and/or preserve the property.

(d) The granting of the Conditional Use approval shall be contingent upon any required Certificate of Appropriateness and upon ~~either~~ the granting of a local, ~~state, or national~~ historic designation or the presence of such designation being in place.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 06 Plan Commission Amendment #: UDO-131

Sponsor: Gaal Date: 11/28/06

Synopsis

This amendment would reject Plan Commission Amendment UDO-131 and reinstate original standards for bicycle storage in multifamily projects with more than 64 bedrooms. Those standards require that ¼ of the mandated bicycle storage be in the form of Class I Bicycle Parking Facilities, which are secure, enclosed, and intended for overnight use. This amendment is intended to promote the use of bicycles by making it more convenient to store them.

Action: Adopt 8 – 1 (Wisler) Adopted
Action Date: December 4, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. **20.05.013 AT-04 [Alternative Transportation; Bicycle Parking Standards;
Multifamily Residential]
Page 5-10 (Draft F); Page 5-11 (Integrated UDO)**

This Alternative Transportation Standards section applies to the following zoning districts:
[RM] [RH] [MH] [CL] [CG] [CA] [CD]

(a) Number: Multifamily developments shall provide one (1) Class II bicycle parking space per six (6) bedrooms, or a minimum of four (4) bicycle parking spaces, whichever is greater.

(b) Location:

(1) *Proximity*: A dedicated bicycle parking area equipped with bicycle racks shall be within fifty (50) feet of the main entrance of each primary residential building on site.

(2) *Distribution*: Buildings with twelve (12) bedrooms or more shall provide a minimum of two (2) Class II bicycle parking spaces per residential building. These spaces shall count toward fulfilling the total site requirement.

(c) Covered Spaces:

(1) Developments with more than thirty-two (32) bedrooms total shall provide a minimum of one-half (½) of the total number of required bicycle parking spaces as covered, short-term Class II bicycle parking facilities.

(2) Developments with more than sixty-four (64) bedrooms total shall provide a minimum of one-quarter (¼) of the total number of required bicycle parking spaces as long-term Class I bicycle parking facilities.-

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 07 Plan Commission Amendment #: UDO-096

Sponsor: Rollo Date: 11/28/06

Synopsis

This amendment revives Plan Commission Amendment UDO-096 and would prohibit cul-de-sacs in Conventional Subdivisions and not permit them in Conservation Subdivisions unless approved by the Plan Commission. This change is intended to promote connectivity within our road network and mitigate the increasing levels of traffic.

Action: Postpone Until Wednesday, December 13, 2006 9 – 0 Adopted
Action: Motion to Reconsider Postponement 8 – 1 (Mayer) Adopted
Action: **Adopt** **7 – 2 (Sabbagh and Wisler) Adopted**
Action Date: December 7, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

**1. 20.06.020 Conventional Subdivision (CV); Standards and Effect on Development Standards
Page 6-5 (Draft F and Integrated UDO)**

~~Minimum Cul-de-sac Length:~~

~~•200 feet~~

~~Maximum Cul-de-sac Length:~~

~~•600 feet~~

~~Maximum Lots per Cul-de-sac:~~

~~•20 lots~~

Maximum Block Length:

•1,000 feet

Cul-de-Sac Length

- Cul-de-sacs are not permitted.

**2. 20.06.040 Conservation Subdivision; Standards and Effect on Development Standards
Page 6-7 (Draft F and integrated UDO)**

~~Minimum Cul-de-sac Length:~~

~~•200 feet~~

~~Maximum Cul-de-sac Length:~~

~~•1,000 feet~~

~~Maximum Lots per Cul-de-sac:~~

~~•20 lots~~

Cul-de-Sac Length

- Cul-de-sacs are not permitted unless approved by the Plan Commission

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 08

Plan Commission Amendment #: N/A

Sponsor: Rollo

Date: 11/28/06

Synopsis

This amendment is intended to protect the City's tree cover and clarifies that illegally removed trees must be replaced by trees to be planted in the same area as the removed tree, unless another area is necessary to ensure the health of the trees.

Action: Adopt 8 – 0 (Diekhoff absent) Adopted
Action Date: December 7, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. **20.11 Enforcement and Penalties; 020 Penalties and Remedies of Violations**
Page 11-3 (Draft F and Integrated UDO)

(g) In addition to all other penalties and remedies provided for herein, where the violation is removal of one or more trees contrary to *Section 20.05.044: Tree and Forest Preservation*, the responsible party shall be required to meet the following requirements:

~~(1) — Plant a healthy tree of similar species in the area where the existing tree was removed. The tree shall be of the largest size reasonably available which can be either planted or transplanted from another location. If the replacement tree cannot be planted in the area where the existing tree was removed, then the responsible party shall plant the tree in a location determined by the Planning Director.~~

(1) Replace the removed trees with healthy trees of similar species.

(A) The aggregate caliper of replacement trees shall equal the aggregate caliper of removed trees. Determination of total caliper to be replaced shall be made by the Planning Director.

(B) The size of replacement trees shall be the largest reasonably available which can either be planted or transplanted from another location.

(C) Replacement trees shall be planted in the same location where the existing trees were removed. If all of the replacement trees cannot be planted in the area where existing trees were removed without endangering their health, an alternative planting location shall be identified, subject to the approval of the Planning Director.

(2) Restore the area around the replacement trees, and the original disturbed area if applicable, by backfilling all holes and creating acceptable grade and covering.

~~—— (3) Plant or transplant additional trees, the number of which shall be assessed by determining the approximate caliper of the existing tree which was removed. This existing caliper must then be equalized by the aggregate caliper of newly planted or transplanted trees. The determination of both existing tree caliper as well as the feasibility and requirement of additional tree plantings shall be made by the Planning Director.~~

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 09 Plan Commission Amendment #: UDO 064

Sponsor: Rollo Date: 12/1/06

Synopsis

This amendment modifies Plan Commission Amendment UDO-064 and requires platted lots of record of less than one acre in size to have one, rather than three, twenty-five (25) foot, graduated riparian buffers, in the event the lot is near an intermittent or perennial stream. This change is intended to offer more protection for the environment, while still allowing most affected lots to be developed.

Action: Adopt 7 – 0 (Gaal and Ruff Absent) Adopted
Action Date: December 14, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. **20.05 Development Standards**
 042 EN-04 [Environmental Standards; Riparian Buffer]
 Page 5 – 28 (Draft F); Page 5 – 31 (Integrated UDO)

This Environmental Standards section applies to the following zoning districts:

[RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD]] [IG] [BP] [IN] [MD] [QY]

(a) Riparian Buffer:

(1) Applicability: This subsection shall apply to all land development activities on properties that are contiguous with or contain intermittent or perennial streams. ~~The requirements of this subsection shall not apply to platted lots of record less than one-half (0.5) acre in size.~~ However, platted lots of record of less than one (1) acre in size shall not be subject to part (a)(6) Intermediate Zone Design nor part (a)(7) Fringe Zone Design.

(2) *Adjacent Properties:* Where intermittent or perennial streams are present on adjacent properties, and where required buffer zones for such streams would extend onto the subject property, such buffer zones shall be established according to the provisions of **this subsection.**

(3) *Easements:* All riparian buffer zones required to be preserved subject to this section shall be placed within Riparian Buffer Easements pursuant to the standards of **Chapter 20.07: Design Standards.**

(4) *Graduated Buffer Zones*: All intermittent or perennial streams shall be protected by a riparian buffer composed of three (3) distinct zones. These zones shall be defined as:

(A) Streamside Zone (Zone 1): The primary function of the streamside zone is to ensure stream-bank stabilization.

(B) Intermediate Zone (Zone 2): The primary function of the intermediate zone is to protect soil particles that trap nutrients and chemicals.

(C) Fringe Zone (Zone 3): The primary function of the fringe zone is to filter runoff, and to maximize infiltration, water storage, and nutrient absorption.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 10

Plan Commission Amendment #: N/A

Sponsor: Wisler

Date: 11/28/06

Synopsis

This amendment would allow convenience stores (with gas) and gas stations in Industrial General (IG) districts as permitted uses with special conditions in order to promote competition and provide efficient delivery of those services.

Action: Adopt 9 -0 Adopted

Action Date: December 7, 2006

Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~ in the following sections:

1. 20.02 Zoning Districts; 410 Industrial General (IG) District
Page 2-22 (Draft F and Integrated UDO)

20.02.420 Permitted Uses

*** Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.**

- | | |
|-------------------------------------|--|
| •auto body shop | •tool and die shop |
| •beverage bottling | •utility substation and transmission facility* |
| •bottled gas storage/distribution | •warehouse |
| •building trade shop | •welding |
| •communication facility | |
| Convenience store (with gas) * | |
| •distribution facility | |
| •equipment rental, outdoor | |
| gas station * | |
| •government operations (non-office) | |
| •heavy equipment sales/rental | |
| •impound vehicle storage* | |
| •light manufacturing | |
| •manufactured home sales | |
| •outdoor storage* | |
| •police, fire or rescue station | |
| •print shop | |
| •radio/TV station | |
| •research center | |
| •school, trade or business | |
| •sexually oriented business | |
| •testing lab | |

2. **20.05 Development Standards; 092 SC-05 [Special Conditions; Convenience Store]**
Page 5-87 (Draft F); Page 5-90 (Integrated UDO)

This Special Conditions Standards section applies to the following zoning districts:

[CL] [CG] [CD] **[IG]**

(a) Convenience Store (with gas):

(1) In the [CL] and [CD] zoning districts, the use shall be limited to a total of four (4) metered fuel dispenser units for the sale and distribution of gasoline and/or any other petroleum products.

(2) In the [CL] zoning district, major overhaul, body and fender work, upholstery, welding, and spray painting shall be prohibited as a component of a convenience store (with gas).

(3) In the [CG] and [CD] zoning districts, all major overhaul, body and fender work, upholstery and welding shall be conducted within a completely enclosed building.

(4) In the [CG] and [CD] zoning districts, all spray painting shall be conducted within an approved spray booth.

(5) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.

(6) Outdoor storage of more than three (3) wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

3. **20.05 Development Standards; 100 SC-13 [Special Conditions; Gas Station]**
Page – None (Draft F); Page 5-91 (Integrated UDO)

This Special Conditions Standards section applies to the following zoning districts:

[CG] **[IG]**

(a) Gas stations shall be limited to a total of four (4) metered fuel dispenser units for the sale and distribution of gasoline and/or any other petroleum products.

(b) **In [CG]** major overhaul, body and fender work, upholstery, welding, and spray painting shall be prohibited as a component of a gas station.

(c) All major overhaul, body and fender work, upholstery and welding shall be conducted within a completely enclosed building.

(d) All spray painting shall be conducted within an approved spray booth.

(e) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.

(f) Outdoor storage of more than three (3) wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 11a Plan Commission Amendment #: N/A

Sponsor: Wisler Date: 12/12/06

Synopsis

This amendment would allow convenience stores (with gas or alternative fuels) in Business Park (BP) districts as a permitted use with special conditions in order to promote competition, provide efficient delivery of those services, and still be compatible with surrounding uses.

Note: Am 11a differs from Am 11 in that it requires that any convenience store with gas in a BP district provide alternative fuel in at least half of its dispenser units. It was amended on the floor in order to replace the term "ethanol" with "majority ethanol blend" in 20.05.092(a)(1).

Action: Amend 7 – 0 (Gaal & Mayer Absent) Adopted
 Adopt as Amended 7 – 0 (Gaal & Mayer absent) Adopted

Action Date: December 13, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. **20.02 Zoning Districts; 450 Business Park (BP) District;
 460 Permitted Uses
 Page 2-24 (Draft F); Page 2-25 (Integrated UDO)**

*** Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.**

Commercial Permitted Uses:

- business/professional office
- Convenience store (with gas: must include alternative fuels)*
- dwelling, single-family (detached)
- dwelling, upper floor units
- government office
- government operations (non-office)
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- light manufacturing
- parking garage/structure
- police, fire or rescue station
- radio/TV station
- research center
- restaurant, limited service*
- retail, low intensity*
- school, trade or business

- testing lab
- utility substation and transmission facility*

2. **20.05 Development Standards; 092 [Special Conditions; Convenience Store]**
Page 5-87 (Draft F); Page 5-90 (Integrated UDO)

20.05.092 SC-05 [Special Conditions; Convenience Store]

This Special Conditions Standards section applies to the following zoning districts:

[CL] [CG] [CD] [BP]

(a) **Convenience Store (with gas or alternative fuels):**

(1) In the [CL] and [CD] and [BP] zoning districts, the use shall be limited to a total of four (4) metered fuel dispenser units for the sale and distribution of gasoline and/or any other petroleum products fuels such as biodiesel, electricity, majority ethanol blend, hydrogen, natural gasoline or conventional gasoline.

(2) In the [CL] and [BP] zoning district, major overhaul, body and fender work, upholstering, welding, and spray painting shall be prohibited as a component of a convenience store (with gas).

(3) In the [CG] and [CD] zoning districts, all major overhaul, body and fender work, upholstering and welding shall be conducted within a completely enclosed building.

(4) In the [CG] and [CD] zoning districts, all spray painting shall be conducted within an approved spray booth.

(5) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.

(6) Outdoor storage of more than three (3) wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

(7) In the [BP] zoning district, all structures including fuel canopies shall be compatible with the surrounding Business Park development with respect to architectural style, color, and materials. Fuel canopies shall be located to the side or rear of properties to minimize visual impact from public streets.

(8) In the [BP] zoning district, at least 50 percent (50%) of the total number of dispenser units must provide alternative fuels including but not limited to biodiesel, electricity, majority ethanol blend, hydrogen, or natural gasoline.

3. **20.12 Definitions**
Page 12-10 (Draft F and Integrated UDO)

Convenience Store: A retail store that sells a limited line of groceries, food, or drink for immediate consumption, as well as household items intended for daily convenience. A convenience store may also sell gasoline or alternative fuel products in certain zoning districts. The term “*Convenience Store*” does not include “*Vehicle Repair*” shops or “*Auto Body Shop*”.

4. Substitute “*Convenience Store (with gas or alternative fuels)*” wherever this land use appears within the UDO.

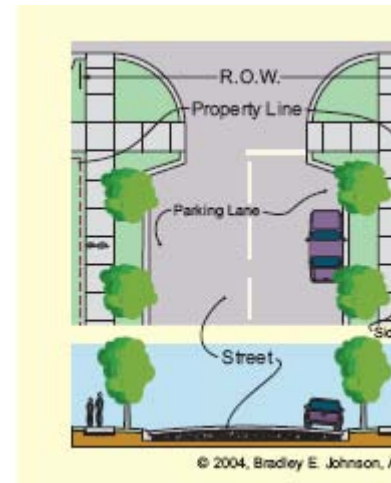
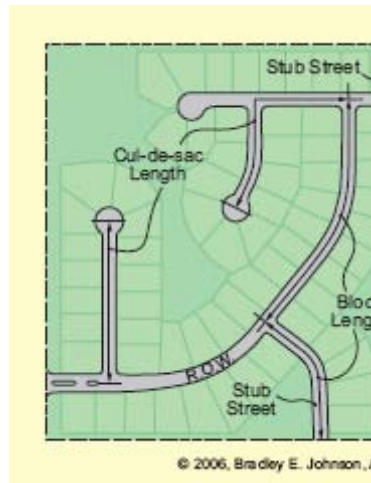
adjacent neighborhoods as well as nonresidential activity centers; and

- Facilitate development on parcels not characterized by significant environmental constraints as well as development on parcels not located next to existing subdivisions characterized by more gridlike street patterns.



The diagram above is intended to illustrate the concepts outlined in this Chapter. The design of new subdivisions must follow the regulations of the Unified Development Ordinance, but need not match this illustration.

20.06.020 Conventional Suburban Subdivision; Standards and Effect on Development Standards



Prerequisite Base Zoning

District:

- RE, RS, RC, RH, RM, or MH

Minimum Parent Tract:

- N/A

Minimum Open Space:

- For subdivisions of at least 25 lots and no more than 49 lots, a minimum of 10% of the gross acreage must be identified as common open space on the plat.
- For subdivisions of at least 50 lots and no more than 74 lots, a minimum of 15% of the gross acreage must be identified as common open space on the plat.
- For subdivisions of at least 75 lots, a minimum of 20% of the gross

acreage must be identified as common open space on the plat.

Minimum Cul-de-sac Length:

- 200 feet

Maximum Cul-de-sac Length:

- 600 feet

Maximum Lots per Cul-de-sac:

- 20 lots

Maximum Block Length:

- 1,000 feet

Alternative Transportation Facilities:

- Facilities required on both sides of internal streets and along adjoining streets.
- Facility type shall be governed by the Alternative Transportation &

Greenways System Plan.

ROW Dedication:

- Per Master Thoroughfare Plan

Street Width:

- Per Master Thoroughfare Plan

On-street Parking:

- Not required
- Where provided, must meet standards of *Chapter 20.07; SOG Onstreet Parking Standards*

Alley Standards:

- Alleys are not required

Minimum Tree Plot Width:

- Per Master Thoroughfare Plan

Minimum Sidewalk/Sidepath Width:

- Per Master Thoroughfare Plan

Additional Subdivision Standards that Apply

Effect on Development Standards

Alley Standards (AL) • AL-01 Page 7-4 Arterial Road Frontage Standards (AF) • AF-01 Page 7-5 Easement Standards (EA) • EA-01 Page 7-7 Environmental Standards (EV) • EV-01 Page 7-9 Facilities Plan Standards (FC) • FC-01 Page 7-10 Lot Establishment Standards (LT) • LT-01 Page 7-11 Monument & Marker Standards (MM) • MM-01 Page 7-12 On-street Parking Standards (OG) • OG-01 Page 7-13 Open Space Standards (OP) • OP-01 Page 7-14	Pedestrian Network Standards (PN) • PN-01 Page 7-15 Storm Water Standards (SM) • SM-01 Page 7-16 Street & Right-of-way Standards (SR) • SR-01 Page 7-17 Street Lighting Standards (SL) • SL-01 Page 7-19 Street Name Standards (SN) • SN-01 Page 7-20 Street Sign Standards (SS) • SS-01 Page 7-21 Sustainable Development Incentives (SD) • SD-01 Page 7-22 Utility Standards (UT) • UT-01 Page 7-24	•All standard zoning district development standards apply
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2. Chapter 20.06: Subdivision Regulations
20.06.005 Subdivision Type

Page 6-2 (both Draft F and Integrated UDO):

Conventional Suburban Subdivision (CV)

20.06.010 ~~Conventional Suburban~~ Subdivision; Intent

20.06.020 ~~Conventional Suburban~~ Subdivision; Standards and Effect on Development Standards

3. Chapter 20.07.030:

20.06.030 Icon Key

~~[CV]~~ [SS] -- ~~Conventional Suburban~~ Subdivision (~~CV~~) (SS)

[CS] – Conservation Subdivision (CS)

[TD] – Traditional Subdivision (TD)

[CI] – Commercial/Industrial Subdivision (CI)

20.07.040 AL-01 [Alley Standards]

This Alley Standards section applies to the following types of development:

~~[CV]~~ [SS] [CS] [TD] [CI]

20.07.050 AF-01 [Arterial Frontage Standards; Residential]

This Arterial Frontage Standards section applies to the following types of development:

~~{CV}~~ **[SS]**

20.07.060 AF-02 [Arterial Frontage Standards; Nonresidential]

This Arterial Frontage Standards section applies to the following types of development:

[CI]

20.07.070 EA-01 [Easement Standards]

This Easement Standards section applies to the following types of development:

~~{CV}~~ **[SS]** **[CS]** **[TD]** **[CI]**

20.07.080 EV-01 [Environmental Standards; General]

This Environmental Standards section applies to the following types of development:

~~{CV}~~ **[SS]** **[CS]** **[TD]** **[CI]**

20.07.090 FC-01 [Facilities Plan Standards; Residential]

This Facilities Plan Standards section applies to the following types of development:

~~{CV}~~ **[SS]** **[CS]** **[TD]** **[CI]**

20.07.100 LT-01 [Lot Establishment Standards]

This Lot Establishment Standards section applies to the following types of development:

~~{CV}~~ **[SS]** **[CS]** **[TD]** **[CI]**

20.07.110 MM-01 [Monument and Marker Standards; General]

This Monument and Marker Standards section applies to the following types of development:

~~{CV}~~ **[SS]** **[CS]** **[TD]** **[CI]**

20.07.120 OG-01 [On-street Parking Standards]

This On-street Parking Standards section applies to the following types of development:

~~{CV}~~ **[SS]** **[CS]** **[TD]** **[CI]**

20.07.130 OP-01 [Open Space Standards; Residential, Commercial and Industrial]

This Open Space Standards section applies to the following types of development:

~~{CV}~~ **[SS]** **[CS]** **[TD]** **[CI]**

20.07.140 PN-01 [Pedestrian Network Standards]

This Pedestrian Network Standards section applies to the following types of development:

~~{CV}~~ **[SS]** **[CS]** **[TD]** **[CI]**

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 14

Plan Commission Amendment #: N/A

Sponsor: Volan

Date: 11/28/06

Synopsis

This amendment makes the submittal of a physical or computer-generated three-dimensional model mandatory as part of any Site Plan involving new development in the Commercial Downtown (CD) and discretionary in Planned Unit Development (PD) districts. If an applicant provides a physical model, s/he must also provide a “fly-around” moving picture image showing the physical model in 360 degrees. This requirement is intended to assist the reviewing body in evaluating the proposed development in its spatial and architectural context. *Note: the amendment was amended without opposition on the floor of the Council to clarify the nature of these submissions. Those amendments are indicated in double strikeout and bold in the body of the amendment.*

Action: Adopt as Amended 6 - 2 (Mayer & Sabbagh) - 1 (Wisler) Adopted
Action Date: December 7, 2006

Proposed Amendment:

This amendment adds the **shaded text** and deletes the ~~strikeout text~~:

Pages 10-10 (Draft F); 10-9 through 10-10 (Integrated UDO)

1. 20.10.120 Site Plan Review

20.10.120 (d)(6) Applications

(d) Applications: Applications for Site Plans shall be accompanied by the following information:

(1) A scaled drawing using not less than a 1" = 50' scale, or as considered appropriate by the planning staff, which shows major circulation; specific location and dimensions of buildings, structures, and parking areas; open space areas, recreation facilities, and other details to indicate the character of the proposed development. The submission shall also include:

- (A) Boundary lines and acreage of each land use component;
- (B) Existing easements, including location, width and purpose;
- (C) Existing land-use on abutting properties;
- (D) Other conditions on adjoining land: topography (two-foot contours) including any embankments or retaining walls; use and location of major buildings, railroads, power lines, towers and other influences; name of any adjoining subdivision plat;
- (E) Existing streets on and adjacent to the tract, including street name, right-of-way width, sidewalks, curbs, gutters, and culverts;
- (F) Any public improvements planned for future construction on or adjacent to the tract;
- (G) Existing utilities on the tract;
- (H) Any land on the tract within the one-hundred-year floodplain;

(I) Other conditions on the tract, including water courses, wetlands, rock outcrops, wooded areas, isolated trees ten (10) inches or more in diameter, and other significant features;

(J) Map Data: Name of development, north point, scale and date of preparation.

(2) Precise location of all proposed buildings to be constructed, and a designation of the specific use or range of uses for each building.

(3) Design and precise location of all proposed streets, drives and parking areas, including construction details, center line elevations, pavement type, curbs, gutters, and culverts.

(4) Location of all proposed utility lines and easements.

(5) A detailed Landscape Plan, including size and species, installation specifications, identification of vegetation to be preserved and the site measures to accomplish preservation, and conservation easements where required.

(6) Illustrations of required architectural design elements such as building elevations, renderings, photographs, and any other information deemed necessary by the planning staff to determine compliance with this Unified Development Ordinance. Such illustrations shall clearly depict the massing, scale, and architectural details of the proposed development.

~~(A) Commercial Downtown: In the case of a Site Plan involving new development in the Commercial Downtown (CD) district, the Plan Commission may shall require the submittal of a three-dimensional scale, model, either physical or computer generated animated, in order to evaluate massing compatibility that shows the proposed development in the context of all properties whose boundary lines touch that of the proposed development. If a physical model is provided, it must be accompanied by a "fly-around" moving picture image digital video archive file showing the physical model in 360 degrees.~~

scale, model, either physical or computer generated that shows the proposed development in the context of all properties whose boundary lines touch that of the proposed development. If a physical model is provided, it must be accompanied by a digital video archive file showing the physical model in 360 degrees.

(B) Demolition Delay: In the case of a Site Plan involving partial demolition governed by the demolition waiting period provisions of *Section 20.10.230: Demolition Delay*, the application shall include a photograph or an accurately-scaled drawing of each building elevation, both existing and proposed, that will be physically affected either by the proposed partial demolition or by any proposed construction, reconstruction or alteration associated therewith. Each such depiction shall clearly show or indicate all proposed changes in design or material that will be subject to public view. Each such depiction shall also identify with reasonable specificity the type, design and location relative to the elevation of all proposed building materials.

Page 4-8 (Draft F); Page 4-11 (Integrated UDO)

2. 20.04.090 – Planned Unit Development, Process; Final Plan

20.04.090(d)

(d) Application:

(1) *Supportive Documentation*: The application shall include, but not be limited to, the following documents:

(A) An accurate map exhibit of the entire phase for which Final Plan approval is being requested.

(B) Such additional information as may have been required by the Preliminary Plan approval.

(C) An accurate map exhibit of each separate un-subdivided use area, including open space.

(D) If land to be subdivided is included in the Planned Unit Development, a Preliminary Plat meeting the requirements of ***Chapter 20.06: Subdivision Regulations*** and ***Chapter 20.07: Design Standards*** and the PUD District Ordinance shall be submitted..

(E) Precise location of all buildings to be constructed, and a designation of the specific use or range of uses for each building. Single-family residential development on individual lots need not show precise location of buildings on each lot, but plans shall show setback and other bulk constraints.

(F) Design and precise location of all streets, drives and parking areas, including construction details, center line elevations, pavement type, curbs, gutters, and culverts.

(G) Location of all utility lines and easements.

(H) A final, detailed Landscape Plan, including size and species, installation specifications, identification of vegetation to be preserved and the measures to accomplish preservation, and conservation easements where required.

(I) Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre, type of unit, bedroom breakdown, and limits on occupancy.

(J) Projected construction schedule.

(K) Agreements and covenants which govern the use, maintenance, and continued protection of the Planned Unit Development and its common spaces, shared facilities, and private roads.

(L) Additional Information: Such other additional information as may be required by the Planning Department or other members of the Development Review Committee to evaluate the application. ~~Such additional information may include a three dimensional model, either physical or computer animated, that shows the proposed development in the context of all properties whose boundary lines touch that of the proposed development. If a physical model is provided, it must be accompanied by a "fly around" moving picture image showing the physical model in 360 degrees.~~

Such additional information may include a three-dimensional scale, model, either physical or computer generated that shows the proposed development in the context of all properties whose boundary lines touch that of the proposed development. If a physical model is provided, it must be accompanied by a digital video archive file showing the physical model in 360 degrees.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 15 Plan Commission Amendment #: None.

Submitted By: Council Office at the request of the Council. Date: 11/28/06

Synopsis

This amendment allows businesses to conduct temporary retail activity for a maximum of forty-five (45) consecutive days provided the site of the temporary retail activity is also the site of a permanent and associated retail use. The intent of this amendment is to provide such business owners with a longer period of time to conduct temporary retail activity.

Action: Adopt 9 – 0 Adopted
December 4, 2006

Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~:

1. **20.05.110 TU-02 [Temporary Uses & Structures; Commercial & Industrial]**
 Page 5-92 (Draft F), 5-94 (Integrated UDO)

20.05.110 TU-02 [Temporary Uses & Structures; Commercial & Industrial]

This Temporary Use & Structure Standards section applies to the following zoning districts:

[CG] [CA] [CD] [IG] [BP]

- (a) Seasonal Sales: Temporary uses selling seasonal items such as Christmas trees, Halloween pumpkins and 4th of July fireworks shall be permitted subject to the following standards:

- (1) A Temporary Use Permit shall be required and good for a maximum of thirty (30) consecutive days. The temporary use shall be removed from the property within five (5) days after the holiday.
- (2) The temporary use shall be located on a lot that fronts on a collector or arterial street.
- (3) The temporary use shall be located at least fifty (50) feet from any residential district.

- (b) Farm Produce: The seasonal sale of farm produce shall require a Temporary Use Permit, and such permit shall be valid for a maximum of sixty (60) consecutive days. No property shall be issued more than one (1) such Temporary Use Permit in a calendar year.

- (c) Sales Associated with a Permanent Retail Use: Temporary retail activity conducted on property associated with a permanent retail use shall be permitted subject to the following standards:

- (1) The temporary retail activity shall be of the same nature as the permanent retail activity conducted on the property.
- (2) A Temporary Use Permit shall be required and good for a maximum of forty-five (45) consecutive days.
- (3) A Temporary Use Permit shall only be issued to the operator of the associated permanent retail use.
- (4) No property shall be issued more than one (1) such Temporary Use Permit in a calendar year.

- (d) ~~(e)~~ Other Uses: ~~Other~~ temporary retail or wholesale activities, carnivals, and traveling circuses shall require a Temporary Use Permit, and such permit shall be valid for a maximum of fifteen (15) consecutive days. No property shall be issued more than one (1) such Temporary Use Permit in a calendar year.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 16

Plan Commission Amendment #: N/A

Sponsor: Gaal

Date: 12/1/06

Synopsis

This amendment adds language to the District Intent Statement for the Commercial Downtown District in Chapter 20.02 (Zoning Districts) that is intended to apply to all the downtown district overlay zones established in Chapter 20.03 (Overlay Districts) as well. This language reflects the Downtown Vision and Infill Strategy Plan's call for a mix of residential housing in the downtown that serves all income and age groups.

Action: Adopt 7 – 0 (Diekhoff and Volan Out) Adopted
Action Date: December 11, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. **20.02.370 District Intent (for the Commercial Downtown (CD) District:
*Page 2-20 (Draft F and Integrated UDO)***

20.02.370

The CD (Commercial Downtown) District is intended to be used as follows:

- Protect and enhance the central business district, which contains many unique and historic structures.
- Promote high density development of mixed uses with storefront retail, professional office, and residential dwelling uses.
- Promote a diversity of residential housing for all income groups and ages.
- Development should incorporate pedestrian-oriented design (scale and massing) and accommodate alternative means of transportation.

Plan Commission/Board of Zoning Appeals Guidance:

- The downtown is targeted for intensified usage of vacant and underutilized buildings and sites.
- Space on the first floor of downtown buildings should be commercial with residential uses on the second floor and above.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 17

Plan Commission Amendment #: N/A

Sponsor: Ruff

Date: 12/1/06

Synopsis

This amendment authorizes the Council to exercise certain powers granted under I.C. 36-7-4-1500 et al when considering a Planned Unit Development (PUD) district ordinance. These powers include imposing reasonable conditions, conditioning the issuance of a certificate of zoning compliance on the providing of certain assurances, and allowing or requiring the property owner to make written commitments in connection with those proposals. Their exercise would give the Council the means to improve the PUD proposal without being forced to deny the ordinance in order to see the change.

Action: Adopt 7 (Diekhoff, Gaal, Mayer, Rollo, Ruff, Sturbaum & Volan)
– 2 (Sabbagh & Wisler) Adopted

Date: December 14, 2006

1. **20.01.350 Summary of Authority**
20.01.360 Common Council
Page 1-14 (Draft F and Integrated UDO)

20.01.350 Summary of Authority

The administrative and decision making bodies and officials listed herein, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Unified Development Ordinance in the manner described in ***Chapter 20.01: Ordinance Foundation***.

20.01.360 Common Council

The Common Council shall have the following jurisdiction and authority subject to the provisions of this Unified Development Ordinance and the applicable provisions of the Indiana Code:

(a) To initiate, adopt, or reject any amendment to the Official Zoning Map, and, to initiate, adopt, amend, or reject any amendment to the text of this Unified Development Ordinance, in accordance with Ind. Code 36-7-4-600 SERIES: ZONING ORDINANCE.

(b) To adopt; impose reasonable conditions, condition the issuance of a certificate of zoning compliance on the providing of certain assurances, and allow or require the property owner to make written commitments; or reject a Planned Unit Development (PUD) district ordinance in accordance with Ind. Code 36-7-4-1500 SERIES: PLANNED UNIT DEVELOPMENT.

(b) (c) To initiate, approve, amend, or reject proposed amendments to the City's Growth Policies Plan and its components, including but not limited to the Master Thoroughfare Plan and the Subarea Plans;

(d) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this Unified Development Ordinance.

2. **20.04 Planned Unit Development (PD) Districts;
080 Process PUD District Ordinance & Preliminary Plan**
Page 4-7 (Draft F); Page 4-6 (Integrated UDO)

(g) Common Council:

(1) *Action:* The Common Council shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal. The Common Council may adopt or reject the proposal and may also exercise powers set forth under I.C. 36-7-4-1500 et seq. Those powers include imposing reasonable conditions, conditioning the issuance of a certificate of zoning compliance on bonds or certain guarantees, and allowing or requiring the owner of real property to make written commitments. If the Plan Commission has given the proposal a favorable recommendation and the Common Council fails to act on the proposal within ninety (90) days, the Ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Common Council fails to act on the proposal within ninety (90) days, the proposal is defeated.

(2) *Effect of Approval of a PUD District Ordinance and Preliminary Plan:*

(A) When a PUD District Ordinance and Preliminary Plan for a Planned Unit Development have been approved by the Common Council, the PUD District Ordinance and Preliminary Plan shall become effective and its location shall be shown on the zoning map. The zoning map shall be amended to designate the site as a Planned Unit Development zoning district.

(B) Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD District Ordinance and Preliminary Plan, subject to approval of a Final Plan.

(C) No permit of any kind shall be issued until the Final Plan has been approved.

3. **20.10.090 Commitments; Zoning Map Amendments and PUD District Ordinances**

Page 10 – 7 and 8 (Draft F and Integrated UDO)

(a) Authority: The Plan Commission may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel where the making of such commitment will further the goals of the Unified Development Ordinance or the Growth Policies Plan. In the case of a PUD district ordinance, the Common Council may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel pursuant to I.C. 36-7-4-1512. In the case of PUD Final Plan approval delegated to the planning staff by this Unified Development Ordinance, the

planning staff may also allow or require the owner to make a written commitment under **this section**, and shall have all powers and duties of the Plan Commission under **this section** except the power to approve modification or termination of a Commitment. Commitments may be allowed or required as part of a proposal to amend the zoning map under IC 36-7-4-608 and **this chapter**; and, in connection with a proposal to adopt a PUD District Ordinance, or in connection with Final Plan approval, under the IC 36-7-4-1500 Series and **Chapter 20.04: Planned Unit Development Districts**.

(b) Approval Procedure: The procedure by which the Plan Commission or planning staff allows or requires a written commitment shall be the same as the procedure set forth in the Plan Commission Rules of Procedure and this Unified Development Ordinance for the underlying development proposal. The procedure by which the Common Council allows or requires a written commitment shall be the same as the procedure set forth in this code for consideration of the underlying ordinance. No additional notice or hearing shall be required.

• • •

(g) Modification or Termination:

(1) *Procedure*: When a commitment has been allowed or required by the Common Council, Plan Commission or planning staff in conjunction with a petition under the Unified Development Ordinance, either the petitioner, a subsequent owner of the parcel, or a person who acquires an interest in the parcel may apply to the Plan Commission for modification or termination of the commitment. The Plan Commission may approve modification or termination after notice and public hearing pursuant to the Plan Commission Rules of Procedure in any case where the modification or termination will further the goals of the Unified Development Ordinance or the Growth Policies Plan.

(2) *Recording*: The petitioner shall record the modification or termination instrument in the County Recorder's office. The petitioner shall deliver one (1) copy of the recorded modification or termination instrument to the Planning Department within ten (10) business days of recording. A modification or termination instrument made hereunder shall be recorded in the County Recorder's office upon approval of the proposal and prior to issuance of a Certificate of Zoning Compliance for the area involved in the proposal.

(h) Automatic Termination of Commitments: A commitment made in connection with a zoning map amendment, adoption of a PUD District Ordinance, or PUD Final Plan approval terminates automatically if after adoption of the petition the zoning district applicable to the area involved in the proposal is changed (which shall include designation as a Planned Unit Development).

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 22 Plan Commission Amendment #: N/A
Sponsor: Rollo and Sturbaum Date: 12/1/06

Synopsis

This amendment addresses an incentive-based Green Development initiative proposed in Chapter 20.05 and 20.07. It differs from current text by augmenting the green development standards, lowering the density bonus for the second level of incentives and creating a third level of incentives. The third level of incentive would apply to projects that meet the first and second level and also provide additional green development standards or a 15% set aside for affordable housing. *Note: This amendment was postponed on December 14th in order to provide time for staff to mediate differences between the sponsors. That effort led to changes that were distributed on Monday, December 18th and are found below.*

Action:	Postpone Until 12/20/06	9 – 0	Adopted
Action Date:	December 14, 2006		
Action:	Adopt as Presented on December 20 th	9 – 0	Adopted
Action Date:	December 20, 2006		

Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~ in the following sections:

Section 1. **20.05.050**

GD-01 [Green Development Incentives; General]

Page 5 – 40 et seq (Draft F); Page 5 – 37 et seq (Integrated UDO)

20.05.050 GD-01 [Green Development Incentives; General]

Purpose: The Growth Policies Plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. As a result, incentives are being provided to encourage the use of sustainable development practices throughout the planning jurisdiction. Implementation of these practices will help to make Bloomington a more sustainable community.

This ~~Sustainable~~ **Green** Development Incentives section applies to the following zoning districts: [RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD] [IG] [BP] [IN] [MD] [QY]

- (a) Sustainable Development Practices: The following Sustainable Development Practices may be incorporated into a development in order to achieve development standards bonuses as provided in **Subsection (b): Level One Incentives**, ~~and Subsection (c): Level Two Incentives~~, and **Subsection (d): Level Three Incentives**. Any development that

incorporates these practices shall indicate such inclusion at the Site Plan review stage. The reviewing authority shall determine whether any particular project meets the goals set forth herein, taking into account the combination of Sustainable Development Practices proposed; the land use patterns, infrastructure, and transportation patterns of the surrounding area; the zoning of any developed land in the surrounding area; and other such factors as may be relevant to the individual project. Where the reviewing authority determines that the proposal meets the goals set forth herein, the reviewing authority may waive the applicable development standards and grant the bonuses set forth herein.

(1) *Goal 1*: Structures and developments that demonstrate exceptional efficiency in the use of energy and resources and minimize their impact on the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:

(A) Installation of a vegetated roof covering at least 50% of the total roof area.

Incorporation of this practice shall conform to the provisions of *SS Credit 7.2: Heat Island Effect: Roof* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.

(B) Demonstrate a percentage improvement in the proposed building performance rating compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2004 (without amendments) by a whole building project simulation using the Building Performance Rating Method in Appendix G of the Standard. Incorporation of this practice shall conform to the provisions of *EA Credit 1: Optimize Energy Performance* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.

(C) Incorporate non-polluting and/or renewable on-site energy sources including, but not limited to, solar, wind, geothermal, biomass and bio-gas energy sources. Incorporation of this practice shall conform to the provisions of *EA Credit 2: On-Site Renewable Energy* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.

(D) Recycling and/or salvaging of at least 50% of non-hazardous construction and demolition debris. Incorporation of this practice shall conform to the provisions of *MR Credit 2.1: Construction Waste Management* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.

(E) Utilization of building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site for a minimum of 10% (based on cost) of the total materials value. Incorporation of this practice shall conform to the provisions of *MR Credit 5.1: Regional Materials* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.

~~(1) Goal 1~~ (2) *Goal 2*: A landscaping and site design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:

(A) Use of permeable pavement materials for at least twenty-five percent (25%) of all private driveways, pathways, and parking areas.

(B) Use of native vegetation, permeable man-made materials, biofiltration swales, rain gardens and other conservation design techniques to convey and filter storm water.

- (C) Use of greywater and/or storm water systems to capture and reuse at least fifty percent (50%) of greywater and storm water for common and public space irrigation.
- ~~(D) Use of Green Building design elements as outlined in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. Such design elements may include but not be limited to: passive solar design of structures, utilization of recycled and recyclable materials, utilization of photovoltaic roofs or green roofs, or other design elements which maximize energy efficiency and minimize water usage.~~
- (D) Placement of all slopes of 12% or greater within Conservancy Easements to ensure that they are not developed, nor disturbed during the development of remaining portions of the site, as well as the retention of at least 90% of existing tree canopy cover in compliance with **Division 20.05.044(a)(2)** of this Ordinance.
- ~~(2) Goal 2~~ (3) **Goal 3**: A commitment to serve, in an exceptional manner, important public policy such as pedestrian-friendly, mixed use development, **affordable housing**, or reduction in automobile travel. Examples of commitments that may qualify as meeting this goal include but are not limited to the following:
 - (A) Incorporation of a mix of residential and nonresidential land uses either within the development or within individual buildings.
 - ~~(B) Allocation of at least fifteen percent (15%) of the total number of housing units located in the development as affordable housing. Such affordable housing must be entered into an affordable housing program administered by the local, State, or federal governments.~~
 - (B) Provision of 100% of the required bicycle parking spaces as either long-term Class I Bicycle Parking Facilities or covered, Class II Bicycle Parking Facilities, or a combination of those two bicycle parking facility types.
 - (C) Provision of automobile parking at least twenty-five percent (25%) below required minimums, coupled with provision of bicycle parking at least fifty percent (50%) above required minimums. Fulfillment of this Sustainable Development Practice shall not require a variance from development standards.
 - (D) Provision of subsidized Bloomington Transit passes or provision of a private van or shuttle.
- ~~(3) Goal 3~~ (4) **Goal 4**: A location that provides an exceptional opportunity for residents to walk or use public transit in lieu of automobile travel. Examples of locations that may qualify as meeting this goal include but are not limited to the following:
 - (A) Location of the development within one-quarter (1/4) mile of a Bloomington Transit stop, provided that the transit facility is accessible using pedestrian facilities.
 - (B) Location of the development within one-quarter (1/4) mile of a Neighborhood, Community, or Regional Activity Center, or Downtown, as mapped in the Growth Policies Plan, provided these commercial areas **public facilities** are accessible using pedestrian facilities.
 - (C) Location of the development within one-quarter (1/4) mile of a public school or park provided these **commercial areas public facilities** are accessible using pedestrian facilities.
 - (D) Location of the development within one-quarter (1/4) mile of a public multiuse

trail facility, provided the development can be connected with pedestrian facilities to the public trail facility.

- (b) Level One Incentives: ~~Developments that meet all three (3) of the goals listed in Subsection (a): Sustainable Development Practices~~ by incorporating at least one (1) Sustainable Development Practices from each of the three (3) goals may utilize the following changes to development standards:

(1) A development may utilize the Level One Incentives detailed in **Division (2)** if the reviewing authority determines that the development meets all four (4) goals listed in **Subsection (a): Sustainable Development Practices** through the incorporation of the following:

(A) At least two (2) Sustainable Development Practices from Goal 1 as specified in **Division (a)(1)** above; and

(B) At least one (1) Sustainable Development Practice from each of Goals 2, 3 and 4 as specified in **Division (a)(2)**, **Division (a)(3)** and **Division (a)(4)** above.

(2) Developments described in **Division (1)** above may utilize the following changes to development standards:

(1) **(A) Side Building Setbacks:** For residential districts, side building setbacks shall be reduced to six (6) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by twenty-five percent (25%).

(2) **(B) Rear Building Setbacks:** For residential districts, rear building setbacks shall be decreased to twenty (20) feet. For nonresidential districts, rear building setback requirements shall be reduced by twenty-five percent (25%).

(3) **(C) Density:** For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by twenty-five percent (25%).

- (c) Level Two Incentives: ~~Developments that meet all three (3) of the goals listed in Subsection (a): Sustainable Development Practices~~ by incorporating at least two (2) Sustainable Development Practices from each of the three (3) goals may utilize the following changes to development standards:

(1) A development may utilize the Level Two Incentives detailed in **Division (2)** if the reviewing authority determines that the development meets all four (4) goals listed in **Subsection (a): Sustainable Development Practices** through the incorporation of the following:

(A) At least three (3) Sustainable Development Practices from Goal 1 as specified in **Division (a)(1)** above; and

(B) At least two (2) Sustainable Development Practices from each of Goals 2, 3 and 4 as specified in **Division (a)(2)**, **Division (a)(3)** and **Division (a)(4)** above.

(2) Developments described in **Division (1)** above may utilize the following changes to development standards:

(1) **(A) Side Building Setbacks:** For residential districts, side building setbacks shall be reduced to five (5) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by fifty percent (50%).

(2) **(B) Rear Building Setbacks:** For residential districts, rear building setbacks shall be decreased to fifteen (15) feet. For nonresidential districts, rear building setback

requirements shall be reduced by fifty percent (50%).

- ~~(3)~~ (C) *Density*: For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by ~~seventy-five~~ fifty percent (75% 50%).

(d) Level Three Incentives:

(1) A development may utilize the Level Three Incentives detailed in Division (2) if the reviewing authority determines that the development meets all four (4) goals listed in ***Subsection (a): Sustainable Development Practices*** through the incorporation of the following:

(A) At least four (4) Sustainable Development Practices from Goal 1 as specified in ***Division (a)(1)*** above; and

(B) At least two (2) Sustainable Development Practices from each of Goals 2, 3 and 4 as specified in ***Division (a)(2)***, ***Division (a)(3)*** and ***Division (a)(4)*** above.

(C) An allocation of at least fifteen percent (15%) of the total number of housing units located in the development as affordable housing. Such housing units must be entered into an affordable housing program administered by the local, State or Federal governments.

(2) Developments described in ***Division (1)*** above may utilize the following changes to development standards:

(A) *Side Building Setbacks*: For residential districts, side building setbacks shall be reduced to five (5) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by fifty percent (50%).

(B) *Rear Building Setbacks*: For residential districts, rear building setbacks shall be decreased to fifteen (15) feet. For nonresidential districts, rear building setback requirements shall be reduced by fifty percent (50%).

(C) *Density*: For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by seventy-five percent (75%).

(e) Waiver of Fees: All developments utilizing the provisions of this Section to achieve the incentives outlined in ***Subsections (b)***, ***(c)*** and ***(d)*** shall also be eligible for the following waivers or reductions of fees:

(1) Filing fees for the Plan Commission and/or Board of Zoning Appeals may be waived by the Planning Director.

(2) Fees associated with Right-of-way Excavation Permits may be waived by the Director of the Public Works Department.

(3) Sewer hook-on fees may be waived or reduced by the Utilities Service Board.

~~(d)~~(f) Application Material and Verification of Compliance: In addition to the standard application requirements specified in ***Section 20.10.080: Site Plan Review***, the petitioner shall provide the following information:

(1) ~~If the petitioner is seeking density bonuses based on a commitment to provide Green Building design elements outlined in ***Subsection (a)(1)(D)***, the application shall be supplemented by supporting material specifying how future buildings in the subdivision will be able to address the specific design elements outlined in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. Petitioners requesting utilization of other indicators in ***Subsection (a)***:~~

~~*Sustainable Development Practices* shall also provide supporting documentation indicating how compliance with each indicator will be achieved.~~

A completed Green Building Worksheet shall be submitted and approved at the time of Site Plan approval. The Green Building Worksheet shall be accompanied by supporting material specifying how the development will incorporate the specific sustainable development practices selected from Subsection (a): Sustainable Development Practices.

- (2) At the time of Site Plan approval, the petitioner shall record a Commitment ~~which complies with the requirements specified in *Section 20.10.100: Commitments; Site Plan*~~ verifying that the development will comply or has already complied with the sustainability indicators sustainable development practices petitioned for as part of the Site Plan application. The Commitment shall comply with the requirements specified in *Section 20.10.100: Commitments; Site Plan*. ~~If the petitioner is committing to provide Green Building design elements outlined in *Subsection (a)(1)(D)*, a completed Green Building Project Checklist shall be submitted and approved by the planning staff at the time of Site Plan approval, or in association with applicable Building Permits.~~

Section II.

20.07.200

SD-01 [Sustainable Development Initiatives; General]

Page 7-22 et seq (Draft F and Integrated UDO)

20.07.200 SD-01 [Sustainable Development Incentives; General]

Purpose: The Growth Policies Plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. As a result, incentives are being provided to encourage the use of sustainable development practices throughout the planning jurisdiction.

Implementation of these practices will help to make Bloomington a more sustainable community.

This Sustainable Development Incentives section applies to the following types of development: [CV] [CS] [TD] [CI]

- (a) Sustainable Development Practices: The following Sustainable Development Practices may be incorporated into a subdivision in order to achieve development standards bonuses as provided in *Subsection (b): Level One Incentives* and *Subsection (c): Level Two Incentives*, and *Subsection (d): Level Three Incentives*. Any subdivision that incorporates these practices shall indicate such inclusion at the Preliminary Plat stage. The reviewing authority shall determine whether any particular project meets the goals set forth herein, taking into account the combination of Sustainable Development Practices proposed; the land use patterns, infrastructure, and transportation patterns of the surrounding area; the zoning of any developed land in the surrounding area; and other such factors as may be relevant to the individual project. Where the reviewing authority determines that the proposal meets the goals set forth herein, the reviewing authority may waive the applicable development standards and grant the bonuses set forth herein.

- (1) *Goal 1:* Subdivisions and developments that demonstrate exceptional efficiency in the use of

energy and resources and minimize their impact on the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:

- (A) A commitment to the installation of a vegetated roof covering at least 50% of the total roof area. Incorporation of this practice shall conform to the provisions of *SS Credit 7.2: Heat Island Effect: Roof* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.
 - (B) A commitment to demonstrate a percentage improvement in the proposed building performance rating compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2004 (without amendments) by a whole building project simulation using the Building Performance Rating Method in Appendix G of the Standard. Incorporation of this practice shall conform to the provisions of *EA Credit 1: Optimize Energy Performance* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.
 - (C) A commitment to incorporate non-polluting and/or renewable on-site energy sources including, but not limited to, solar, wind, geothermal, biomass and bio-gas energy sources. Incorporation of this practice shall conform to the provisions of *EA Credit 2: On-Site Renewable Energy* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.
 - (D) A commitment to recycling and/or salvaging of at least 50% of non-hazardous construction and demolition debris. Incorporation of this practice shall conform to the provisions of *MR Credit 2.1: Construction Waste Management* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.
 - (E) A commitment to the utilization of building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site for a minimum of 10% (based on cost) of the total materials value. Incorporation of this practice shall conform to the provisions of *MR Credit 5.1: Regional Materials* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.
- (1) ~~Goal 1~~ (2) **Goal 2:** A landscaping and site design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:
- (A) A commitment to use permeable pavement materials for at least twenty-five percent (25%) of all private driveways, pathways, and parking areas.
 - (B) Use of native vegetation, permeable man-made materials, biofiltration swales, rain gardens and other conservation design techniques to convey and filter storm water.
 - (C) Use of greywater and/or storm water systems to capture and reuse at least fifty percent (50%) of greywater and storm water for common and public space irrigation.
 - (D) ~~A commitment to provide Green Building design elements as outlined in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. Such design elements may include but not be limited to: passive solar design of structures, utilization of recycled and recyclable materials, utilization of photovoltaic roofs or green roofs, or other design elements which maximize energy efficiency and minimize water usage.~~
 - (D) Placement of all slopes of 12% or greater within Conservancy Easements to ensure that they are not developed, nor disturbed during the development of remaining portions of the site, as well as the retention of at least 90% of existing tree canopy

cover in compliance with **Division 20.05.044(a)(2)** of this Ordinance.

~~(2) Goal 2~~ (3) **Goal 3**: A commitment to serve, in an exceptional manner, important public policy such as pedestrian-friendly, mixed use development, affordable housing, or reduction in automobile travel. Examples of commitments that may qualify as meeting this goal include but are not limited to the following:

(A) A commitment to incorporate a mix of residential and nonresidential land uses either within the subdivision or within individual buildings.

~~(B) A commitment to allocate at least fifteen percent (15%) of the total number of housing units located in the subdivision as affordable housing. Such affordable housing must be entered into an affordable housing program administered by the local, State, or federal governments.~~

(B) Provision of 100% of the required bicycle parking spaces as either long-term Class I Bicycle Parking Facilities or covered, Class II Bicycle Parking Facilities, or a combination of those two bicycle parking facility types.

(C) Provision of automobile parking at least twenty-five percent (25%) below required minimums, coupled with provision to provide bicycle parking at least fifty percent (50%) above required minimums. Fulfillment of this Sustainable Development Practice shall not require a variance from development standards.

(D) A commitment to provide subsidized Bloomington Transit passes or the provision of a private van or shuttle.

~~(3) Goal 3~~ (4) **Goal 4**: A location that provides an exceptional opportunity for residents to walk or use public transit in lieu of automobile travel. Examples of locations that may qualify as meeting this goal include but are not limited to the following:

(A) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (1/4) mile of a Bloomington Transit stop provided that the transit facility is accessible using pedestrian facilities.

(B) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (1/4) mile of a Neighborhood, Community, or Regional Activity Center, or Downtown, as mapped in the *Growth Policies Plan*, provided these commercial areas are accessible using pedestrian facilities.

(C) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (1/4) mile of a public school or park, provided these public facilities are accessible using pedestrian facilities. An allocation of acreage for a centrally located common area in compliance with **Section 20.07.090: Facilities Plan Standards** shall count towards fulfillment of this Sustainable Development Practice.

(D) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (1/4) mile of a public multiuse trail facility, provided the development can be connected with pedestrian facilities to the public trail facility.

(b) **Level One Incentives**: Subdivisions that meet all three (3) of the goals listed in Subsection ~~(a): Sustainable Development Practices~~ by incorporating at least one (1) Sustainable Development Practices from each of the three (3) goals may utilize the following changes to development standards:

(1) A subdivision may utilize the Level One Incentives detailed in **Division (2)** if the reviewing authority determines that the subdivision meets all four (4) goals listed in **Subsection (a): Sustainable Development Practices** through the incorporation of the following:

- (A) At least two (2) Sustainable Development Practices from Goal 1 as specified in **Division (a)(1)** above; and
- (B) At least one (1) Sustainable Development Practice from each of Goals 2, 3 and 4 as specified in **Division (a)(2)**, **Division (a)(3)** and **Division (a)(4)** above.
- (2) Subdivisions described in **Division (1)** above may utilize the following changes to development standards:
 - (1) (A) **Minimum Lot Area**: Shall be decreased ten percent (10%) for the [TD] and [CS] subdivision types and shall be decreased twenty percent (20%) for the [CV] and [CI] subdivision types.
 - (2) (B) **Minimum Lot Width**: Shall be decreased ten percent (10%) for the [TD] and [CS] subdivision types and shall be decreased twenty percent (20%) for the [CV] and [CI] subdivision types.
 - (3) (C) **Side Building Setbacks**: For residential districts, side building setbacks shall be reduced to six (6) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by twenty-five percent (25%).
 - (4) (D) **Rear Building Setbacks**: For residential districts, rear building setbacks shall be decreased to twenty (20) feet. For nonresidential districts, rear building setback requirements shall be reduced by twenty-five percent (25%).
- (c) **Level Two Incentives**: ~~Subdivisions that meet all three (3) goals listed in Subsection (a): Sustainable Development Practices by incorporating at least two (2) Sustainable Development Practices from each of the three (3) goals may utilize the following changes to development standards:~~
 - (1) A subdivision may utilize the Level Two Incentives detailed in **Division (2)** if the reviewing authority determines that the subdivision meets all four (4) goals listed in **Subsection (a): Sustainable Development Practices** through the incorporation of the following:
 - (A) At least three (3) Sustainable Development Practices from Goal 1 as specified in **Division (a)(1)** above; and
 - (B) At least two (2) Sustainable Development Practices from each of Goals 2, 3 and 4 as specified in **Division (a)(2)**, **Division (a)(3)** and **Division (a)(4)** above.
 - (2) Subdivisions described in **Division (1)** above may utilize the following changes to development standards:
 - (1) (A) **Minimum Lot Area**: Shall be decreased ~~twenty~~ **fifteen** percent (~~20%~~ **15%**) for the [TD] and [CS] subdivision types and shall be decreased ~~thirty-three~~ **twenty-five** percent (~~33%~~ **25%**) for the [CV] and [CI] subdivision types.
 - (2) (B) **Lot Width**: Shall be decreased ~~twenty~~ **fifteen** percent (~~20%~~ **15%**) for the [TD] and [CS] subdivision types and shall be decreased ~~thirty-three~~ **twenty-five** percent (~~33%~~ **25%**) for the [CV] and [CI] subdivision types.
 - (3) (C) **Side Building Setbacks**: For residential districts, side building setbacks shall be reduced to five (5) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by ~~fifty~~ **thirty-five** percent (~~50%~~ **35%**).
 - (4) (D) **Rear Building Setbacks**: For residential districts, rear building setbacks shall be decreased to fifteen (15) feet. For nonresidential districts, rear building setback requirements shall be reduced by ~~fifty~~ **thirty-five** percent (~~50%~~ **35%**).
- (d) **Level Three Incentives**:

- (1) A subdivision may utilize the Level Three Incentives detailed in Division (2) if the reviewing authority determines that the subdivision meets all four (4) goals listed in **Subsection (a): Sustainable Development Practices** through the incorporation of the following:
 - (A) At least four (4) Sustainable Development Practices from Goal 1 as specified in **Division (a)(1)** above; and
 - (B) At least two (2) Sustainable Development Practices from each of Goals 2, 3 and 4 as specified in **Division (a)(2)**, **Division (a)(3)** and **Division (a)(4)** above.
 - (C) An allocation of at least fifteen percent (15%) of the total number of housing units located in the subdivision as affordable housing. Such housing units must be entered into an affordable housing program administered by the local, State or Federal governments.
- (2) Subdivisions described in **Division (1)** above may utilize the following changes to development standards:
 - (A) *Minimum Lot Area*: Shall be decreased twenty percent (20%) for the [TD] and [CS] subdivision types and shall be decreased thirty-three percent (33%) for the [CV] and [CI] subdivision types.
 - (B) *Lot Width*: Shall be decreased twenty percent (20%) for the [TD] and [CS] subdivision types and shall be decreased thirty-three percent (33%) for the [CV] and [CI] subdivision types.
 - (C) *Side Building Setbacks*: For residential districts, side building setbacks shall be reduced to four (4) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by fifty percent (50%).
 - (D) *Rear Building Setbacks*: For residential districts, rear building setbacks shall be decreased to twelve (12) feet. For nonresidential districts, rear building setback requirements shall be reduced by fifty percent (50%).
- (e) Waiver of Fees: All subdivisions utilizing the provisions of this Section to achieve the incentives outlined in **Subsections (b), (c) and (d)** shall also be eligible for the following waivers or reductions of fees:
 - (1) Filing fees for the Plan Commission and/or Board of Zoning Appeals may be waived by the Planning Director.
 - (2) Fees associated with Right-of-way Excavation Permits may be waived by the Director of the Public Works Department.
 - (3) Sewer hook-on fees may be waived or reduced by the Utilities Service Board.
- ~~(d)~~(f) Application Material and Verification of Compliance: In addition to the standard application requirements specified in **Section 20.10.180: Preliminary Plat**, the petitioner shall provide the following information:
 - (1) ~~If the petitioner is seeking density bonuses based on a commitment to provide Green Building design elements outlined in **Subsection (a)(1)(D)**, the application shall be supplemented by supporting material specifying how future buildings in the subdivision will be able to address the specific design elements outlined in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. Petitioners requesting utilization of other indicators in **Subsection (a): Sustainable Development Practices** shall also provide supporting documentation indicating how compliance with each indicator will be achieved.~~
A completed Green Building Worksheet shall be submitted and approved at the time of

Subdivision approval. The Green Building Worksheet shall be accompanied by supporting material specifying how the development will incorporate the specific sustainable development practices selected from Subsection (a): Sustainable Development Practices.

- (2) At the time of Final Plat recording, the petitioner shall record a covenants, conditions, and restrictions instrument verifying that the subdivision will comply or has already complied with the sustainability indicators sustainable development practices petitioned for as part of the Preliminary Plat application. ~~If the petitioner is committing to provide Green Building design elements outlined in Subsection (a)(1)(D), a completed Green Building Project Checklist shall be submitted and approved by the planning staff at the time of Final Plat recording, or in association with applicable Building Permits.~~

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 23

Plan Commission Amendment #:

Sponsor: Staff Amendment - Micuda

Date: 12/03/06

Synopsis

This amendment corrects miscellaneous errors in the text of the Unified Development Ordinance as well as clarifies misleading language.

Specifically, this amendment:

- Adds *Brewpub** as a permitted use in the CL zoning district to be consistent with Chapter 5, Section 20.05.089;
- Adds an asterisk (*) to the Brewpub use in the CG, CA, and CD zoning districts to be consistent with Chapter 5, Section 20.05.089;
- Adds *Business/Professional Office* to the Industrial General (IG) zoning district to allow offices, particularly contractor's offices to be a permitted use in that district;
- Clarifies how development standards will be determined for Conditional Uses;
- Adds some invasive, noxious, and detrimental plants to the landscaping table at the request of the City's Environmental Commission and Environmental Planner;
- Increases the allowable number of barrels which can be brewed in Brewpubs to be consistent with recent State law changes;
- Corrects two text errors in the Special Conditions section of Chapter 5 for Convenience Store (with gas) and Limited Service Restaurant; Low Intensity Retail;
- Eliminates an undefined use in the UDO;
- Amends the Change of Use table in Chapter 12 to delete problematic and conditional uses from the table. This would require such uses to provide site planning upgrades such as sidewalks and landscaping in addition to their use review process; and
- On December 20th, added cemeteries to the list of uses that cannot be within 500 feet of a sexually oriented business because they often serve as a park for nearby residents. *Note: Those changes are indicated in bold print on the last page of the amendment.*

Action:	Amend to egeriandensa to table	8 – 0 (Volan out) Adopted
Action	Adopt as amended	8 – 0 (Volan out) Adopted
Action Date:	December 11, 2006	
Action:	Motion to Reconsider	9 – 0 Adopted
Action:	Amend (to add Cemeteries)	9 – 0 Adopted
Action:	Adopt as Amended	9 – 0 Adopted
Action Date	December 20, 2006	

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. 20.02 Zoning Districts; 250 Commercial Limited (CL) District
Page 2-14 (Draft F and Integrated UDO)

20.02.260 Permitted Uses

*** Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.**

- | | | |
|----------------------------------|--|--|
| •antique sales | •dry-cleaning service | •pet store |
| •apparel and shoe sales | •dwelling, single-family (attached) | •photographic studio |
| •art gallery | •dwelling, upper floor units | •restaurant |
| •artist studio | •fitness/training studio | •restaurant, limited service |
| •arts/crafts/hobby store | •florist | •retail, low-intensity |
| •barber/beauty shop | •garden shop | •shoe repair |
| •bed and breakfast | •gift shop/boutique | •social service |
| •bicycle sales/repair | •government office | •sporting goods sales |
| •bookstore | •grocery/supermarket | •tailor/seamstress shop |
| •brewpub* | •group care home for developmentally disabled* | •tanning salon |
| •business/professional office | •group care home for mentally ill* | •utility substation and transmission facility* |
| •coin laundry | •group/residential care home* | •video rental |
| •community center | •hardware store | |
| •computer sales | •health spa | |
| •convenience store (without gas) | •jewelry shop | |
| •copy center | •medical clinic | |
| •day care center, adult | •music/media sales | |
| •day care center, child | •musical instrument sales | |
| •drugstore | •park | |
| | •pet grooming | |

2. 20.02 Zoning Districts; 290 Commercial General (CG) District Page 2-16 (Draft F and Integrated UDO)

20.02.300 Permitted Uses

* Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.*

- | | | |
|-------------------------------------|--|--|
| •amusements, indoor | •furniture store | •pet store |
| •antique sales | •garden shop | •photographic studio |
| •apparel and shoe sales | •gas station* | •place of worship |
| •art gallery | •gift shop/boutique | •plant nursery/greenhouse |
| •artist studio | •government office | •police, fire or rescue station |
| •arts/crafts/hobby store | •government operations (non-office) | •recreation center |
| •assisted living facility | •grocery/supermarket | •restaurant |
| •auto parts sales | •group care home for developmentally disabled* | •restaurant, limited service |
| •bank/credit union | •group care home for mentally ill* | •retail, low intensity |
| •banquet hall | •group/residential care home* | •rooming house |
| •bar/dance club | •hardware store | •school, preschool |
| •barber/beauty shop | •health spa | •school, primary/secondary |
| •bed and breakfast | •home electronics/appliance sales | •school, trade or business |
| •bicycle sales/repair | •jewelry shop | •shoe repair |
| •billiard/arcade room | •library | •skating rink |
| •bookstore | •license branch | •social service |
| •bowling alley | •liquor/tobacco sales | •sporting goods sales |
| •brewpub* | •lodge | •tailor/seamstress shop |
| •business/professional office | •medical care clinic, immediate | •tanning salon |
| •car wash* | •medical clinic | •tattoo/piercing parlor |
| •cellular phone/pager services | •mortuary | •transportation terminal |
| •coin laundry | •museum | •utility substation and transmission facility* |
| •community center | •music/media sales | •vehicle accessory installation |
| •computer sales | •musical instrument sales | •veterinarian clinic |
| •convenience store (with gas)* | •nursing/convalescent home | •video rental |
| •convenience store (without gas) | •office supply sales | |
| •copy center | •oil change facility | |
| •day-care center, adult | •park | |
| •day-care center, child | •parking garage/structure | |
| •drive-through* | •pawn shop | |
| •drugstore | •pet grooming | |
| •dry-cleaning service | | |
| •dwelling, single-family (detached) | | |

3. 20.02 Zoning Districts; 410 Industrial General (IG) District Page 2-22 (Draft F and Integrated UDO)

20.02.420 Permitted Uses

* Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.*

- | | |
|-------------------------------------|--|
| •auto body shop | •tool and die shop |
| •beverage bottling | •utility substation and transmission facility* |
| •bottled gas storage/distribution | •warehouse |
| •building trade shop | •welding |
| •communication facility | |
| •distribution facility | |
| •equipment rental, outdoor | |
| •government operations (non-office) | |
| •heavy equipment sales/rental | |
| •impound vehicle storage* | |
| •light manufacturing | |
| •manufactured home sales | |
| business/professional office | |

- outdoor storage*
- police, fire or rescue station
- print shop
- radio/TV station
- research center
- school, trade or business
- sexually oriented business
- testing lab

4. **20.05 Conditional Use; 023 Conditional Use; General Standards** **Page 5-19 (Draft F), Page 5-20 (Integrated UDO)**

This Conditional Use Standards section applies to the following zoning districts:

[RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD] [IG] [BP] [IN] [MD] [QY]

- (a) All Conditional Uses are subject to the criteria established in *Section 20.05.023: General Standards*. Additional criteria as specified in *Chapter 20.05; §CU: Conditional Use Standards* shall be met by the specified categories of Conditional Use found therein. Development Standards for Conditional Uses shall be determined by either the Hearing Officer or Board of Zoning Appeals. Such standards shall either be based on the zoning designation of the property or the zoning district most applicable to the proposed conditional use.

5. **20.05 (Landscaping Standards Table)** **Page 5-56 – Integrated UDO; Page 5-53 – Draft F**

20.05.059 Invasive Species, Species with & Poor Characteristics Species, and Noxious or Detrimental Plants

Species considered unacceptable and that should not be planted because of invasive characteristics, weak wood, and/or abundant litter are:

** Council amended this chart to add egeriadensa and directed staff to put it where it belonged.*

Invasive Flowers:

Alliaria petiolata	Garlic Mustard
Centaurea cyanus	Cornflower or Bachelor's Button
Centaurea repens	Russian Knapweed
Cirsium arvense	Canada Thistle
Digitalis lanata	Grecian Foxglove
Fallopia japonica	Giant Hogweed
Hesperis matronalis	Dame's Rocket
Inula britannica	Meadow Fleabane or British Yellowhead
Lespedeza cuneata	Sericea lespedeza
Lythrum salicaria	Purple Loosestrife
Melilotus alba, M. officinalis	Sweet Clover
Ornithogalum umbellatum	Star of Bethlehem
Polygonum cuspidatum	Japanese knotweed
Sonchus arvensis	Perennial Sowthistle

Invasive Grasses:

Agropyron repens	Quackgrass
Bromus inermis	Smooth Brome
Festuca elatior	Tall Fescue
Lepidium draba	Perennial Peppergrass
Microstegium vimineum	Japanese Stilt Grass
Miscanthus sinensis	Maden Grass

Phalaris arundinacea
Phragmites australis
Sorghum bicolor
Sorghum halepense

Reed Canary Grass
Common Reed Grass
Johnson Grass or Sorghum Almum
Shattercane

Invasive Vines and Groundcovers:

Celastrus orbiculatus
Coronilla varia
Convolvulus arvensis
Euonymus fortunei
Glechoma hederacea
Hedera helix
Humulus japonicus
Lonicera japonica
Lonicera maackii
Lonicera tatarica
Lysimachia nummularia
Polygonium perfoliatum
Pueraria lobata
Sicyos angulatus
Vinca minor
Vinca minor
Vincetoxicum nigrum, syn. Cynanchum nigrum

Oriental Bittersweet
Crown Vetch
Field Bindweed
Purple Winter Creeper
Creeping Charlie
English Ivy
Japanese Hops
Japanese Honeysuckle
Amur Honeysuckle
Bush or Tatarian Honeysuckle
Creeping Jenny
Mile-A-Minute Weed
Kudzu
Bur Cucumber
Myrtle
Periwinkle
Black Swallow-Wort

Invasive Shrubs:

Alnus glutinosa

Celastrus scandens
Lespedeza bicolor
Ligustrum obtusifolium
Ligustrum vulgare
Rosa multiflora
Viburnum opulus v. opulus

Black Alder

Asiatic Bittersweet
Bicolor Lespedeza
Blunt-Leaved Privet
Common Privet
Multiflora Rose
Highbush Cranberry

**6. 20.05.089 Special Conditions; Brewpub
Page 5-89 – Integrated UDO; Page 5-86 – Draft F**

(a) Brewpub:

(1) *Production Limits:*

(A) In the [CG], [CA], and [CD] zoning districts, brewpubs shall not manufacture more than ~~45,000~~ 20,000 barrels of beverage (all beverages combined) annually.

7. **20.05.092 Special Conditions; Convenience Store**
Page 5-90 - Integrated UDO; Page 5-87 - Draft F

This Special Conditions Standards section applies to the following zoning districts:

~~{CL}~~ [CG] [CD]

(a) Convenience Store (with gas):

- (1) In the ~~{CL}~~ and [CD] zoning districts, the use shall be limited to a total of four (4) metered fuel dispenser units for the sale and distribution of gasoline and/or any other petroleum products.
- (2) ~~In the [CL] zoning district, major overhaul, body and fender work, upholstering, welding, and spray painting shall be prohibited as a component of a convenience store (with gas).~~

Renumber remaining conditions as needed.

8. **20.05.103 Special Conditions; Limited Service Restaurant and Low Intensity Retail**
Page 5-92 – Integrated UDO; Page 5-89 – Draft F

This Special Conditions Standards section applies to the following zoning districts:

[BP]

(a) Scale: Individual uses shall not exceed a total of ~~5,000~~ 2,500 square feet of gross floor area.

Explanation: The square footage limitation for these land uses is being lowered in order for the regulation to match the square footage limitation outlined in the definition for both land uses.

9. **20.12.020 Defined Words**
Page 12-7 (Draft F and Integrated UDO)

Building or Structure, Nonconforming:

Explanation: This term received no definition in Draft F of the UDO. Therefore, the term is being deleted because a related term – “Building or Structure, Lawful Nonconforming” is already defined.

10. **20.12.020 Defined Words**
Page 12-38 (Draft F and Integrated UDO)

Use, Change in: Includes, for any portion of a building, structure, or lot:

- (1) Any change from a residential use to a nonresidential use;
- (2) Any change from one (1) residential land use to another, any increase in number of dwelling units, and any increase in number of bedrooms for any unit;
- (3) Any change from one (1) use to another use having a higher requirement for off-street parking as specified in this Ordinance;
- (4) Any establishment of a use on a previously unused site, or the inclusion of a new use in addition to an existing use;
- (5) Any use which requires a Conditional Use approval;
- (6) Any change from one (1) class of use to another class of use or any change from a use listed in the Class of Use Table to any use not listed or any change from a use not listed in the Class of Use table to any other use not listed in the table.

Class of Use Table

1	2	3	4
antique sales	auto parts sales	business/professional office	assisted living facility
apparel and shoe sales	bank/credit union	government office	cemetery/mausoleum
artist studio	bookstore	license branch	community center
arts/craft/hobby store	building supply store	medical care clinic, immediate	country club
barber/beauty shop	convenience store (without gas pumps)	medical clinic	erematory
bed and breakfast	department store	outpatient care facility	day-care center, adult/child
bicycle sales/repair	drive-through	post office	fraternity house/sorority house
cellular phone/pager services	drugstore	radio/TV station research center	government operations (non-office)
coin laundry	furniture store	research center	homeless shelter
computer sales	grocery/supermarket	school, business/trade-	hospital
copy center	hardware store	school, college/university-	jail
dry-cleaning service	home electronics/appliance sales	social services	juvenile detention facility
equipment/party/event rental (indoor)	hotel/motel	testing lab	library
garden shop	liquor and tobacco sales	veterinary clinic	lodge
gift shop/boutique	office supply sales		mortuary
music/media sales	pet store		museum
musical instrument sales	restaurant- 5,000 sq. ft. GFA or greater		nursing/convalescent home
pawn shop	sexually-oriented business		orchard/tree farm
pet grooming	sporting goods sales		park
photographic studio	theater		place of worship
restaurant - under 5,000 sq. ft. GFA	video rental		plant nursery/greenhouse
restaurant, limited service			police/fire/rescue station
retail, low intensity			post office
shoe repair			prison
tailor/seamstress shop			recreation center
tanning salon			rehabilitation clinic
tattoo/piercing parlor			school, business/trade
			school, college/university
			School, preschool
			School, primary/secondary
5	6	7	8
amusements, indoor	auto body shop	boat sales	dwelling, mobile home
amusements, outdoor	car wash, full service	bottled gas storage/distribution	dwelling, multifamily
bank/credit union		building trade shop	dwelling, single-family
banquet hall	car wash, self service	communication facility	group care home for developmentally disabled
bar/dance club	convenience store (with gas) pump/s	distribution facility	group care home for mentally ill
billiard/arcade room	drive-through	equipment/party/event rental (outdoor)	group/residential care home
bowling alley	oil change facility	food production/processing	manufactured home park
brewpub	theater, drive-in	gravel/sand/cement production	rooming house
fitness center/gym	vehicle accessory installation	heavy equipment sales/rental	
fitness/training studio	vehicle repair	impound vehicle storage	
golf course	vehicle sales/rental	Kennel	
golf driving range, outdoor		manufactured housing home sales	
health spa		manufacturing, heavy	
miniature golf		manufacturing, light	
skating rink		mini-warehouse facility	
theater, indoor		outdoor storage	
		print shop	
		salvage/scrap yard	
		stone processing	
		storage tanks	
		tool and dye die shop	
		transportation terminal	
		utility substation and transmission facility	
		Warehouse	
		Welding	
		Quarry	
		orchard/tree farm	
		plant nursery/greenhouse	

11. 20.05.078 Sexually Oriented Businesses; General
Page 5-78 – Integrated UDO; Page 5-76 – Draft F

20.05.078 SX-01 [Sexually Oriented Businesses; General]

Purpose: Within the City it is acknowledged that there are some uses, often referred to as sexually oriented businesses, which because of their nature can have a negative impact on nearby property, particularly when these sexually oriented businesses are concentrated together or located in direct proximity to residential uses, child care centers, churches, **cemeteries**, schools, libraries, playgrounds, and/or parks. Special regulations for these sexually oriented businesses are necessary to insure that these adverse impacts will not contribute to the blighting of surrounding areas. The primary goal of these regulations is to prevent the concentration or location of these uses in a manner that would exacerbate their adverse effects.

This Sexually Oriented Business Standards section applies to the following zoning districts:
[CA] [IG]

- (a) Location: A sexually oriented business shall not be located on a property within five hundred (500) feet of any of the following:
- (1) Place of worship;
 - (2) School (preschool, K-12);
 - (3) Day care center, child or adult;
 - (4) Park; For purposes of this section, publicly owned multiuse trails shall be deemed to be a park.
 - (5) Library;
 - (6) Residential district, including any portion of a Planned Unit Development designated for residential use;
 - (7) Large-scale multi-tenant nonresidential center;
 - (8) Cemetery;**
 - (9) ~~(8)~~ Another sexually oriented business.**
- (b) Distance Measurements: The distance between a sexually oriented business and established uses outlined in Subsection (a): Location shall be measured from the nearest property line of the property from which spacing is required to the nearest property line on which the sexually oriented business use will be located, using a straight line, without regard to intervening structures or public rights-of-way.
- (c) Exterior Display: No sexually oriented business shall be conducted in any manner that permits the observation from any right-of-way of material depicting specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 24

Plan Commission Amendment #:

Sponsor:

Staff - Bernens

Date: 12/07/06

Synopsis

This staff amendment makes the following housekeeping changes to the UDO:

- Provides pinpoint citation to the National Fire Protection Association Standard on Water Supplies for Suburban and Rural Fire Fighting specifications for dry hydrants.
- Makes parallel changes in the UDO to reflect the Council's decision to permit small flocks of chickens via Title 7 – Animals.
- Revises the definition of “façade” to address situations where what looks like one façade is actually covering more than one building or where a single building appears to have more than one façade.
- Clarifies that the public can make comment during a plat vacation hearing.
- Reflects the Plan Commission's discretion to waive the surety requirement in conjunction with the approval of a plat vacation.
- Under the “Waiver and Modification” portion of the Subdivision section, removes the Plan Commission's ability to approve a petition with commitments, in accordance with State law.
- Adds language to the Certificate of Zoning Compliance (20.10.220) to reflect the procedural requirements of the Demolition Delay provision (20.10.230).
- Refines the intent statement of Section 20.10.240: Grading Permit to make clear that the intent includes providing a mechanism to guarantee compliance with Chapter 5 of the UDO, particularly Chapter 5's Environmental Standards.
- Clarifies requirements for Certificate of Occupancy.
- Clarifies provisions of 20.10.260: Sign Permit, including language making clear that compliance with the UDO includes signage limitations upon the site as a whole.
- Clarifies the intent language of 20.10.270: Temporary Use Permit
- Clarifies the applicability and recording requirements of easements, including their modification and termination.
- Changes the vacation of easement section to reflect State statute regarding who can petition for a vacation.
- Makes clear that when a petitioner does not complete a public facility improvement and installations within a two-year period, and requests an extension, the extension is conditioned upon an extension or renewal of surety. 20.10.320 Surety Standards
- Removes the requirement in 20.10.360: Amendments to Ordinance Text that a petitioner must first meet with planning staff before filing an application for a UDO text amendment, because the “petitioner” is always the Plan Commission or the Common Council.

Action:

Adopt 6 – 0 (Diekhoff, Mayer and Volan – Out)

Adopted

Action Date:

December 11, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the strikeout text in the following sections:

**1. 20.05.064 MS-01 [Municipal Services; General]
Page 5-61 (Draft F); Page 5-63(Integrated UDO)**

20.05.064 MS-01 [Municipal Services; General]

(b) Dry Hydrants: Any development that incorporates a retention pond with a standing pool of water at least 10,000 cubic feet in volume shall provide a dry hydrant that meets the specifications of the National Fire Protection Association (NFPA) Standard on Water Supplies for Suburban and Rural Fire Fighting, NFPA 1142, Chapter 9 (2001 Edition), or any subsequent amendment thereto.

**2. 20.05.093 SC-06 [Special Conditions; Crops and Pasturage]
Page 5-87 (Draft F); Page 5-90 (Integrated UDO)**

**20.05.093 SC-06 [Special Conditions; Crops and Pasturage, and
Accessory Chicken Flocks]**

Part (a) of this ~~This~~ Special Conditions Standards section applies to the following zoning districts:

[RE]

Part (b) of this Special Conditions Standards section applies to the following zoning districts:

[RE] [RS]

(a) Crops and Pasturage – RE Districts:

(1) Livestock shall be permitted only in a pasturage context. Pasture use shall be limited to one animal unit per acre of land actually used as pasture and accessible to the livestock. Land with slope in excess of fifteen percent (15%) shall not be considered in determining the total pasture size, and shall not be utilized for pasture purposes.

(2) Animal units per animal shall be determined as follows:

(A) All larger animals, including cattle, horses, swine, ponies, etc., shall equal 1.0 animal unit;

(B) Goats, sheep, miniature horses, etc., shall equal 0.5 animal unit;

(C) All smaller animals including fowl shall equal 0.2 animal unit; and

(D) All animals less than four (4) months of age shall be calculated at one-half (½) the unit value of their respective category above.

(3) All other agricultural businesses involving livestock are prohibited, including but not limited to concentration points, confined feeding, feedlots, feeder pig operations, livestock auctions, livestock dealers, sale barns, stock yards, and transfer stations.

(4) Livestock shall not be kept on any parcel of less than five (5) acres in area and three hundred (300) feet in width, except as allowed by Subsection (b) of this Section, and except that chickens and ducks may be kept within the density limits on parcels of two (2) acres or more.

(5) Structures containing livestock or livestock waste shall meet the following minimum

setbacks:

- (A) Front Setback: Seventy-five (75) feet;
- (B) Side Setback: Fifty (50) feet;
- (C) Rear Setback: Seventy-five (75) feet.

(b) **Accessory Chicken Flocks– RE and RS Districts:**

One chicken flock may be kept as a use accessory to a permitted residential use, provided that such use is permitted by Title 7 of the Bloomington Municipal Code, as it may hereafter be amended, and further provided that such use complies with all regulations of Title 7 of the Bloomington Municipal Code, as it may hereafter be amended. Such regulations of Title 7 of the Bloomington Municipal Code are expressly incorporated herein by reference. In areas that are subject to this Unified Development Ordinance but not within the corporate boundaries of the City of Bloomington, the Planning Department shall administer and enforce such regulations.

3. 20.02.020 Permitted uses [RE District]
Page 2-2 (Draft F and Integrated UDO)
20.02.020 Permitted Uses

** Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.*

- crops and pasturage, and accessory chicken flocks*
- dwelling, single-family (detached)
- government operations (non-office)
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- orchard
- park
- tree farm
- utility substation and transmission facility*

4. 20.02.060 Permitted Uses [RS District]
Page 2-4 (Draft F and Integrated UDO)

20.02.060 Permitted Uses

•Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.

- Accessory chicken flock*
- dwelling, single-family (attached)*
- dwelling, single-family (detached)
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- park
- utility substation and transmission facility*

5. 20.12.020 Defined Words

(a) Page 12-11 (Draft F and Integrated UDO)

Crops and Livestock Pasturage:

Explanation: Corrects an inadvertent change to the name of this defined term in order to maintain consistency with references to it throughout the UDO.

(b) Page 12-9 (Draft F and Integrated UDO)

Chicken Flock, Accessory: a use accessory to a permitted residential use that meets the definition of “Chicken Flock” in *Section 7.01.010* of the Bloomington Municipal Code, as it may hereafter be amended, which is expressly incorporated herein by reference, and that is permitted under this Unified Development Ordinance only where permitted by and in compliance with all requirements of Title 7 of the Bloomington Municipal Code, as it may hereafter be amended.

(c) Page 12-15 (Draft F and Integrated UDO)

Facade: That portion of any exterior elevation on a building extending from grade to the top of the roof or parapet covering the entire width of the structure. The façade shall include the entire walls, including wall faces, parapets, fascia, windows, doors, canopies, and roof structures. Also, in the case of attached buildings, a portion of the exterior of a building that gives the appearance of a unitary module shall constitute a façade regardless of whether that portion coincides with the sides of individual buildings. (For example, a single building may have more than one façade, and a façade may cross building lines, provided there is unitary ownership or control of both buildings.)

6. 20.10.200 Subdivision Control; Plat Vacation

Page 10-26 (Draft F): Page 10-22 (Integrated UDO)

20.10.200 Subdivision Control; Plat Vacation

(f) Plan Commission:

(1) *Public Hearing; Grounds for Remonstrances and Objections:* All persons may comment at the public hearing in accordance with the procedural rules of the Commission. A remonstrance or objection may be filed or raised by any person

aggrieved by the proposed Plat Vacation, but only on one (1) or more of the following grounds:

(A) The Plat Vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;

(B) The Plat Vacation would make access to the lands of the aggrieved person by means of a public way difficult or inconvenient;

(C) The Plat Vacation would hinder the public’s access to a church, school, or other public building or place; and/or

(D) The Plat Vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

- (2) *Decision*: The Plan Commission shall:
- (A) Approve the petition;
 - (B) Approve the petition with conditions ~~and/or commitments~~;
 - (C) Disapprove the petition; or
 - (D) Continue the petition to a definite future meeting date.

(7) *Surety Requirement*: In conjunction with the approval of a Plat Vacation ~~and unless determined to be unnecessary by the Plan Commission~~, the petitioner shall provide surety for all public improvements pursuant to ***Chapter 20.10: Surety Standards***.

7. 20.10.210 Subdivision Control: Waivers and Modifications
Page 10-28 (Draft F); Page 10-25 (Integrated UDO)

20.10.210 Subdivision Control: Waivers and Modifications

(d) Plan Commission:

- (3) *Decision*: The Plan Commission shall:
- (A) Approve the petition;
 - (B) Approve the petition with conditions ~~and/or commitments~~;
 - (C) Deny the petition; or
 - (D) Continue the petition to a definite future meeting date.

8. 20.10.220 Certificate of Zoning Compliance
Page 10-30 (Draft F); Page 10-26 (Integrated UDO)

20.10.220 Certificate of Zoning Compliance

(a) Intent: The intent of the Certificate of Zoning Compliance section is to outline the procedure by which proposed ~~establishment of and~~ alterations to ~~uses~~, sites and structures are reviewed by the planning staff. This procedure is set forth in order to ensure that all such ~~actions~~ ~~alterations~~ conform to the standards established by the Unified Development Ordinance.

(b) Certificate of Zoning Compliance Required: The City requires that a Certificate of Zoning Compliance (hereinafter “CZC”) shall be obtained for any of the following actions. A single CZC may be issued for a combination of such actions, if they occur together. Any application for a CZC, permit or other approval for an action described in Division (5) of this Subsection shall be subject to the procedures outlined in ***Section 20.10.230: Demolition Delay***:

(1) Alteration, erection, construction, reconstruction, division, enlargement, demolition, ~~partial demolition~~, or moving of any building, structure, or mobile home;

(2) Establishment of a use or change in use to another use (see ***Chapter 20.12: Definitions***; “*Change in Use*”);

(3) Enlargement in the area used for any use or relocation of a use to another portion of a lot, site, or building;

(4) Grading, improvement, or other alteration of land, including paving, ~~or~~ the establishment of drives or parking areas, or any other land disturbing activity.

(5) Any action, ~~whether or not listed in Divisions (1) through (4) of this Subsection~~, that would result in partial or complete demolition of any exterior portion of a building or structure

that is listed as ‘Outstanding’, ‘Notable’, or ‘Contributing’ on the *2001 City of Bloomington Survey of Historic Sites & Structures* adopted on October 17, 2002, by the Bloomington Historic Preservation Commission (hereinafter “HPC”) as the same may be hereafter amended or replaced (hereinafter “Historic Survey”). Such action shall be subject to the procedures outlined in **Section 20.10.230: Demolition Delay**. An accessory building or structure not attached to the principal building or structure upon the listed parcel shall not be considered “listed” within the meaning of this ordinance unless the accessory building or structure is of the same era of construction as the principal building or structure, as determined by the planning staff. Such determination shall be based upon resources that may include but shall not be limited to Sanborn Company Fire Insurance maps, visual inspection of the accessory building or structure, and records and expertise of HPC or its staff.

9. 20.10.240 Grading Permit

Page 10-34 (Draft F); Page 10-30 (Integrated UDO)

20.10.240 Grading Permit

(a) Intent: It is the intent of this section to mitigate the environmental impact of site development and to protect the quality of the waters of the City of Bloomington, Monroe County, and surrounding areas, and to provide a mechanism to insure compliance with **Chapter 20.05: Development Standards** of this UDO, and particularly the Environmental Standards of that Chapter, by providing a thorough permitting and inspection process for all grading activities.

(g) City Engineering Department:

(1) *Decision*: The City Engineering Department shall approve or deny the application within twenty (20) working days of the receipt of a complete application and all supportive documents.

(2) *Pre-construction Conference*: For all sites of one (1) acre or more, a pre-construction conference is required before any land-disturbing activity can commence. This conference will be between the City Engineering Department and the petitioner. If land-disturbing activity commences without the benefit of a pre-construction conference, it shall be considered a violation of the Unified Development Ordinance. This conference shall include but not be limited to the proposed:

(A) Construction schedule;

(B) Memorandum of erosion control responsibility;

(C) Permit conditions of approval;

(D) Compliance with **Section 20.05.041 040: Siltation & Erosion Prevention**;

(E) Identification of types of soil stock piles (working versus storage) and seeding requirements for such piles that achieve the objectives of this chapter.

(3) *Inspection*: Prior to the initiation of site grading, the City Engineering Department shall inspect the erosion and sedimentation controls installed by the petitioner to ensure that they meet or exceed the measures in the approved Erosion & Sedimentation Control Plan.

10. 20.10.250 Certificate of Occupancy

Page 10-36 (Draft F); Page 10-32 (Integrated UDO)

20.10.250 Certificate of Occupancy

- (c) Applicability: The City hereby requires that a Certificate of Occupancy be obtained prior to a building or structure being occupied or used in each of the following situations:
- (1) Occupancy or use of any new building or structure;
 - (2) Re-use or re-occupancy of any existing building or structure that requires either a permit from the County Building Department or a Certificate of Zoning Compliance from the Planning Department;
 - (3) Addition to any existing building or structure. Parts of the existing building or structure not included in the addition may continue to be occupied or used.
- (d) Enforcement: If a Certificate of Occupancy is required, it is unlawful and a violation of the Unified Development Ordinance for anyone to occupy or use a building or structure, or to cause, suffer or permit another to occupy or use a building or structure, until the planning staff recommends issuance of a Certificate of Occupancy to the County Building Department. Any violation of this provision shall be ~~Anyone who is required to obtain a Certificate of Occupancy and fails to do so is~~ subject to a Stop Work Order, mitigation, and/or fines and penalties as specified in *Chapter 20.11: Enforcement & Penalties*.

11. 20.10.260 Sign Permit Page 10-36 (Draft F); Page 10-33 (Integrated UDO)

20.10.260 Sign Permit

- (a) Intent: The purpose of the Sign Permit section is to provide a mechanism for enforcement of the sign regulations of this Unified Development Ordinance in order to: establish for all signs located on any premises a reasonable and impartial means to permit adequate communication; ~~to~~ control confusing sign displays that present a hazard to pedestrians and motorists along streets; ~~to~~ insure light, air, and open space; ~~to~~ protect the natural beauty and environment of the City; ~~to~~ safeguard and enhance property values; ~~to~~ protect public and private investment in buildings and open spaces; and ~~to~~ protect the public health, safety, and general welfare.
- (f) Planning Department:
- (1) The planning staff shall review the application upon receipt of a complete application, and supportive documents.
 - (2) Decision: If the proposed sign is in compliance with all the requirements of this Unified Development Ordinance, including the signage limitations upon the site as a whole, a Sign Permit shall be issued.

12. 20.10.270 Temporary Use Permit Page 10-38 (Draft F); Page 10-34 (Integrated UDO)

20.10.270 Temporary Use Permit

(a) Intent: The purpose of temporary use provisions is to provide a mechanism for enforcement of the temporary use regulations of this Unified Development Ordinance, in order to allow short-term and minor deviations for uses which are temporary in nature, which will not adversely impact surrounding properties and land uses, and which can be terminated and removed at will.

13.

20.10.280 Easements; General

Page 10-39 (Draft F); Page 10-35 (Integrated UDO)

20.10.280 Easements; General

(a) Intent: The purpose of **this section** is to outline the procedure for obtaining and recording easements and to insure that the statutory requirements of the Indiana Code for establishing easements are met.

(b) Applicability: This section governs easements that are:

(1) Required ~~and/or granted~~ pursuant to a provision of the Unified Development Ordinance;

(2) Offered as a commitment by the petitioner; ~~and or~~

(3) Permitted ~~or required~~ ~~Required~~ as a condition of approval by the Plan Commission, Plat Committee, ~~or~~ Board of Zoning Appeals, Hearing Officer, or Planning Staff.

(c) Form: Easement instruments shall be ~~recorded~~ prepared in a recordable form acceptable to the City Legal Department.

(d) Recording: Approved easement instruments shall be recorded in the County Recorder's office. ~~One (1) copy of the recorded easement instrument shall be delivered to the Planning Department and to each grantee for the given type of easement.~~ The original recorded easement shall be delivered to the Grantee and a copy shall be delivered to the Planning Department.

(e) Covenants, Conditions, and Restrictions: Inclusion of language ~~Language~~ defining easements in an instrument creating ~~shall not be included in a~~ covenants, conditions, and restrictions ~~instrument.~~ ~~shall not be sufficient;~~ rather, easement instruments shall be independently recorded documents that may ~~only~~ be modified, terminated, or vacated ~~only~~ as provided in this Unified Development Ordinance.

14.

20.10.290 Easements; Modification

Page 10-40 (Draft F); Page 10-36 (Integrated UDO)

20.10.290 Easements; Modification

- (b) Applicability: This section governs easements that are:
- (1) Required ~~and/or granted~~ pursuant to a provision of the Unified Development Ordinance;
 - (2) Offered as a commitment by the petitioner; ~~and or~~
 - (3) Permitted ~~or required~~ **Required** as a condition of approval by the Plan Commission, Plat Committee, ~~or~~ Board of Zoning Appeals, **Hearing Officer, or Planning Staff.**
- (c) Request for Modification: Either the grantor or the grantee of an easement may apply to the approving body for modification of the easement.
- (d) Time Limitation: If an Easement Modification petition has been denied, the petitioner shall not file a new application with the same or substantially similar request for a period of six (6) months.
- ~~(e) Planning Department: When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, and the City is the grantee, either the grantor or grantee may apply to the Planning Department for administrative modification of the easement in the manner outlined in this section.~~
- ~~— (f) Plan Commission: When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission, and the City is not the grantee, either the grantor or grantee may petition the Plan Commission for modification of the easement in the manner outlined in this section.~~
- ~~— (g) Board of Zoning Appeals: When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Board of Zoning Appeals, and the City is not the grantee, either the grantor or grantee may petition the Board of Zoning Appeals for modification of the easement in the manner outlined in this section.~~
- (e) (h) Recording: If approved, **the modified easement shall be recorded by** the petitioner ~~shall record the easement modification instrument~~ in the County Recorder's office. **One (1) copy of the recorded easement instrument shall be delivered to the Planning Department and to each grantee for the given type of easement.** **The original recorded easement shall be delivered to the Grantee and a copy shall be delivered to the Planning Department.**

15. Section 20.10.300 Easements: Termination Page 10-41 (Draft F); Page 10-37 (Integrated UDO)

Section 20.10.300 Easements: Termination

(b) Applicability:

- (1) *Termination of Unplatted Easements:* When an easement has been established pursuant to a provision of the Unified Development Ordinance, ~~permitted or required~~ offered as a commitment by the petitioner, or permitted or required as a condition of approval, by the Plan Commission or Board of Zoning Appeals, either the grantor or grantee may apply to the approving body for termination of the easement.
- (2) *Time Limitation:* If an Easement Termination petition has been denied, the petitioner shall not file a new application with the same or substantially similar request for a period of six (6) months.

(c) Exceptions: This section does not govern easements that are: ~~shown on a recorded plat.~~

- ~~(1) Not required pursuant to a provision of the Unified Development ordinance;~~
- ~~(2) Not offered as a commitment by the petitioner;~~
- ~~(3) Not required as a condition of approval by the Plan Commission or Board of Zoning Appeals; or~~
- ~~(4) S shown on a recorded plat.~~

~~—(d) Planning Department: When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, and the City is the grantee, either the grantor or grantee may apply to the Planning Department for administrative termination of the easement in the manner outlined in **this section.**~~

~~—(e) Plan Commission: When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission, and the City is not the grantee, either the grantor or grantee may petition the Plan Commission for termination of the easement in the manner outlined in **this section.**~~

~~—(f) Board of Zoning Appeals: When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Board of Zoning Appeals, and the City is not the grantee, either the grantor or grantee may petition the Board of Zoning Appeals for termination of the easement in the manner outlined in **this**~~

section:

- (d) ~~(g)~~ Recording: If approved, the easement termination instrument shall be recorded by the petitioner shall record the easement termination instrument instrument in the County Recorder's office. The petitioner shall deliver one (1) copy of the recorded easement termination instrument to every other party to the easement and one (1) copy to the Planning Department. The original recorded easement shall be delivered to the Grantee and a copy shall be delivered to the Planning Department.
- (e) ~~(h)~~ Removal of Improvements: When applicable, the petitioner shall remove any improvements associated with the use of the easement prior to the termination of the easement.

**16. Section 20.10.310 Easements: Vacation
Page 10-42 (Draft F): Page 10-38 (Integrated UDO)**

20.10.310 Easements; Vacation

- (b) Prerequisite: If the easement to be vacated was established as a result of a permitted or required commitment or condition of approval by the Plan Commission or Board of Zoning Appeals, the body that required the commitment or condition of approval shall approve both the Easement Vacation petition and the as well as a termination of the commitment/condition.
- ~~(c) Applicability: When an easement has been established on a plat, either the grantor or grantee may petition the Common Council for vacation of the easement in accordance with the requirements of IC 36-7-3-16.~~
- (c) ~~(d)~~ Exceptions: This section does not govern easements that are not shown on a recorded plat. ÷
 - ~~(1) Required pursuant to a provision of the Unified Development Ordinance;~~
 - ~~(2) Offered as a commitment by the petitioner;~~
 - ~~(3) Required as a condition of approval by the Plan Commission or Board of Zoning Appeals; and~~
 - ~~(4) Shown on a recorded plat.~~
- (d) (e) Common Council: Persons who own or hold an interest in a lot or lots adjacent to a platted easement When an easement has been platted pursuant to a provision of the Unified Development Ordinance, and either offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, either the grantor or grantee may petition the Common Council for vacation of the easement in the manner outlined in Ind. Code Section 36-7-3-12 **this section**.
- (e) ~~(f)~~ Recording: If approved, the easement vacation ordinance shall be recorded by the petitioner shall be responsible for recording the easement vacation ordinance in the County Recorder's office. The original recorded easement

shall be delivered to the grantee and a copy shall be delivered to the Planning Department. ~~The petitioner shall deliver one (1) copy of the recorded easement vacation ordinance to every other party to the easement and one (1) copy to the Planning Department.~~

- (f) ~~(g)~~ Removal of Improvements: When applicable, the petitioner shall remove any improvements associated with the use of the easement prior to the vacation of the easement.

**17. 20.10.320 Surety Standards: Performance Surety
Page 10-43 (Draft F); Page 10-39 (Integrated UDO)**

20.10.320 Surety Standards: Performance Surety

(d) Duration:

(2) *Extension of Completion Time*: Should the petitioner not complete the public facility improvements and installations as herein required within a two-year period, the City Engineering Department may approve the petitioner's written request for an extension of time for up to two (2) additional years, granted at six month intervals ~~and conditioned in every case upon extension or renewal of the surety accordingly,~~ for completion of the required public facility improvements and installations.

**18. 20.10.360 Amendments to Ordinance Text
Page 10-49 (Draft F); Page 10-44 (Integrated UDO)**

20.10.360 Amendments to Ordinance Text

~~(c) Pre-application Meeting: Prior to filing an application for a Unified Development Ordinance text amendment, the petitioner shall meet with the planning staff to review the proposed text amendment, review the regulatory ordinances and materials, review the procedures and examine the effect of the proposed text amendment on the development of property within the jurisdiction. The planning staff shall aid and advise the petitioner in preparing the application and supportive documents as necessary.~~

- ~~(d) Application: The planning staff shall file the application and required supportive information at least thirty (30) calendar days prior to the regularly scheduled Plan Commission meeting.~~

Re-letter the remaining subsections of this Section as (c) through (k) accordingly.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 26 (Map Amendment) Plan Commission Amendment #: N/A

Sponsor: Staff -- Micuda

Date: 12/07/06

Synopsis

This amendment rezones thirteen (13) acres at the Southeast corner of the Rockport Road-Country Club Drive intersection from PUD to Institutional (IN) and rezones 1.3 acres at the Northeast corner of the intersection from PUD to Residential Single-Family (RS).

The properties in question were rezoned to Planned Unit Development in 1979. The southeast corner of the intersection was designated for up to 90 multifamily units, while the northeast corner of the intersection was designated for commercial development. No final plans were ever issued for this PUD, and both areas of the PUD have since been absorbed into larger properties. The southeast area has been purchased by the Bloomington Country Club. The northeast area has been purchased by the Anointed Harvest Fellowship Church. Given the lack of development since 1979 and the current uses of the properties by a church and country club, Planning recommends that the PUD zoning be changed to match the adjacent zoning designations (IN for the Country Club, RS for the Fellowship Church).

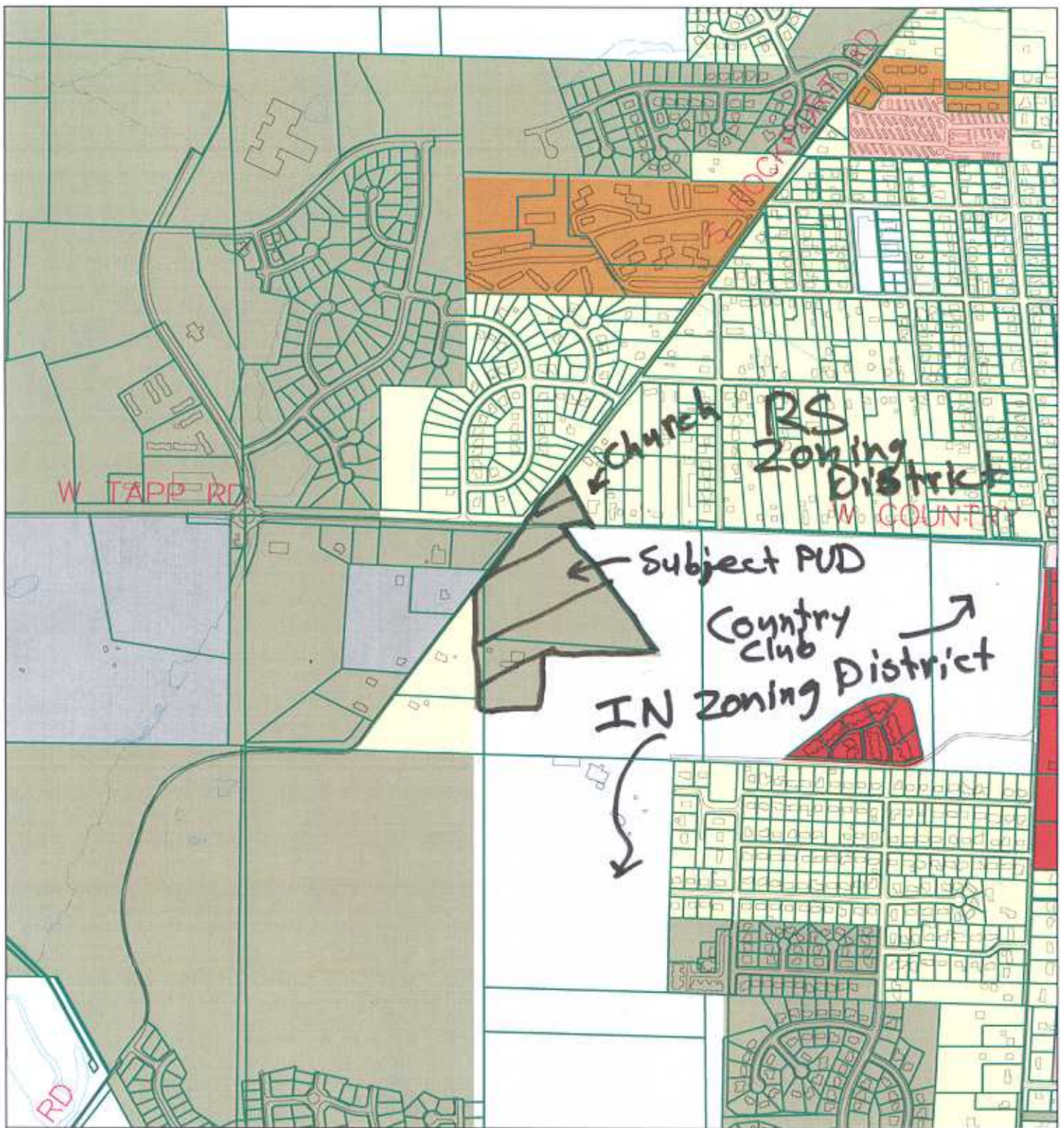
Action: Adopt 7 – 0 (Diekhoff and Volan out)
Action Date: December 11, 2006

Adopted

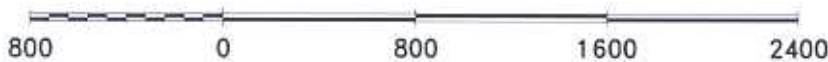
Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. **Zoning Map Amendment -- SE & NE Corners of the Rockport Road-Country Club Drive Intersection**

This amendment rezones thirteen (13) acres at the Southeast corner of the Rockport Road-Country Club Drive intersection to Institutional (IN) and rezones 1.3 acres at the Northeast corner of the intersection to Residential Single-Family (RS). *Please refer to the attached map depicting the changes.*



By: micudat
7 Dec 06



For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 800'

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 27 (Map Amendment) Plan Commission Amendment #: N/A

Sponsor: Staff -- Micuda

Date: 12/07/06

Synopsis

This amendment rezones properties on the west side of Kimble Drive covering addresses from 111 N. Kimble Drive to 421 N. Kimble Drive and 2540, 2546, 2547 and 2563 West Evergreen Drive from Residential Single-Family (RS) to Residential Multifamily (RM).

The subject area is currently zoned RM15 (Multifamily Residential at 15 units per acre) for the purpose of stimulating higher density housing development adjacent to the commercially zoned area known as Franklin Business Park. However, as part of the UDO zoning map update, the lower density of housing in this area initially caused the Planning Department to propose Residential Single Family (RS) zoning reflective of this less dense development pattern. As a result of more recent interest in higher density development, the Planning Department has reconsidered this decision and believes that RM zoning is warranted. Just recently, a 12.9 unit per acre condominium development was approved by the Plan Commission in this subject area. Additionally, there are two other potential multifamily developments being contemplated for this area.

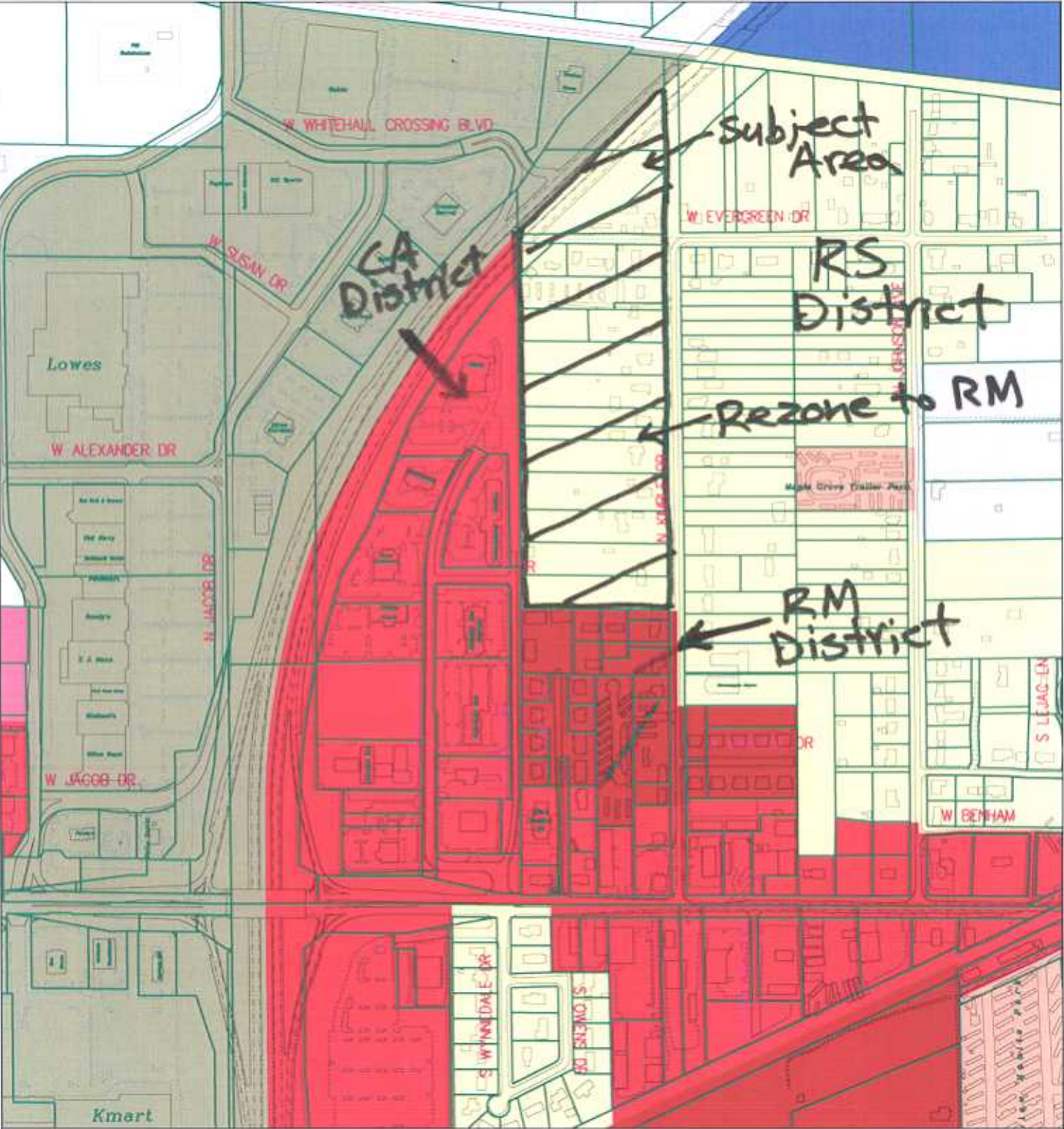
Action: Adopt 7 – 0 (Diekhoff and Volan Out)
Action Date: December 11, 2006

Adopted

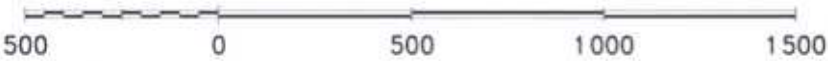
Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. **Zoning Map Amendment -- 111 N. Kimble Drive to 421 N. Kimble Drive and 2540, 2546, 2547 and 2563 West Evergreen Drive**

This amendment rezones properties on the west side of Kimble Drive covering addresses from 111 N. Kimble Drive to 421 N. Kimble Drive and 2540, 2546, 2547 and 2563 West Evergreen Drive from Residential Single-Family (RS) to Residential Multifamily (RM).
Please refer to the attached map depicting the changes.



By: micudat
7 Dec 06



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 500'

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 29 Plan Commission Amendment #: UDO-020

Sponsor: Sturbaum Date: 12/1/06

Synopsis

This amendment would modify Plan Commission Amendment UDO-020, which required that there be at least one entrance per 200 feet of *property* frontage and at least one entrance for each *building* frontage along the B-Line Trail. This amendment would lower the *property* frontage requirement to 66 feet. This change is intended to preserve the “pedestrian friendly” quality of this unique downtown amenity. *It was subject to a Motion to Reconsider on December 20th with a further motion to amend to apply it to the “building” rather than “property” frontage and extend that distance to one hundred (100) feet.*

Action:	Adopt	4 (Sturbaum, Gaal, Rollo & Mayer) – 3 (Ruff, Sabbagh & Wisler)	Defeated
Action Date:	December 11, 2006		
Action:	Reconsider	7 – 2 (Sabbagh & Wisler)	Adopted
Action:	Amend	9 – 0	Adopted
Action:	Adopt as Amended	7 – 2 (Sabbagh & Wisler)	Adopted
Action Date:	December 20, 2006		

Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~ in the following sections:

1. Courthouse Square Overlay (CSO) District
Section 20.03.060 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-6 (Draft F); Page 3-5 (Integrated UDO)

(D) B-Line Trail:

- (i) One (1) pedestrian entrance shall be provided per ~~two hundred (200)~~ **sixty-six (66)** ~~one hundred (100)~~ feet of **property building** frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

2. Downtown Core Overlay (DCO) District
Section 20.03.130 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-11 (Draft F); Page 3-9 (Integrated UDO)

(D) B-Line Trail:

- (i) One (1) pedestrian entrance shall be provided per ~~two hundred (200) sixty-six (66)~~ **one hundred (100)** feet of **property building** frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

3. Downtown Edges Overlay (DEO) District
Section 20.03.270 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-23 (Draft F); Page 3-19 (Integrated UDO)

- (E) One (1) pedestrian entrance shall be provided per ~~two hundred (200) sixty-six (66)~~ **one hundred (100)** feet of **property building** frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

4. Downtown Gateway Overlay (DGO) District
Section 20.03.340 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-27 (Draft F); Page 3-24 (Integrated UDO)

- (E) One (1) pedestrian entrance shall be provided per ~~two hundred (200) sixty-six (66)~~ **one hundred (100)** feet of **property building** frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

5. Showers Technology Park Overlay (STPO) District
Section 20.03.410 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-31 (Draft F); Page 3-28 (Integrated UDO)

(D) B-Line Trail:

- (i) One (1) pedestrian entrance shall be provided per ~~two hundred (200) sixty-six (66)~~ **one hundred (100)** feet of **property building** frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 30

Plan Commission Amendment #: N/A

Sponsor: City Legal

Date: 12/18/06

Synopsis

This amendment delays the effective date of the ordinance until February 12, 2007 in order to give the Plan Commission time to act on it and the consultant time to incorporate all the amendments before it goes into effect. The amendment also acknowledges that two provisions of the ordinance regarding “fire sprinklers” need approval of the Fire Prevention and Building Safety Commission of the Indiana Department of Homeland Security before they can go into effect as well.

Action: Amend the Agenda 9 – 0 Adopted

Action: Adopt 9 – 0 Adopted

Action Date: December 20, 2006

Proposed Amendment:

1. Section VIII of Ord 06-24 shall be deleted and replaced with the following:

SECTION VIII. This ordinance shall be in full force and effect from and after February 12, 2007, following its passage by the Common Council, approval by the Mayor, action by the Plan Commission, and promulgation by law; provided, however, Section 20.05.095 “SC-08 [Special Conditions; Dwelling, Multifamily] [CD]”, and Section 20.05.098 “SC-11 [Special Conditions]; Dwelling, Upper Floor Units] [CD]”, concerning fire sprinkler requirements for certain residential uses in the Commercial Downtown District, shall take effect on February 12, 2007, or upon its approval by the Fire Prevention and Building Safety Commission of the Indiana Department of Homeland Security, whichever occurs later.

2. The following shade and strikeout text indicate how the amendment affects Section VIII:

SECTION VIII. This ordinance shall be in full force and effect ~~from and after~~ February 12, 2007, following ~~from and after~~ its passage by the Common Council, ~~and~~ approval by the Mayor, action by the Plan Commission, and promulgation by law; provided, however, Section 20.05.095 “SC-08 [Special Conditions; Dwelling, Multifamily] [CD]”, and Section 20.05.098 “SC-11 [Special Conditions; Dwelling, Upper Floor Units] [CD]”, concerning fire sprinkler requirements for certain residential uses in the Commercial Downtown District, shall take effect on February 12, 2007, or upon its approval by the Fire Prevention and Building Safety Commission of the Indiana Department of Homeland Security, whichever occurs later.

Amendments to Ordinance 06-24
***Defeated* by the Common Council**
(In Numerical Order)

Am 03

Am 04

Am 11

Am 12

Am 18

Am 18a

Am 19

Am 19a

Am 20

Am 21

Am 25 (Map)

Am 28

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 03 Plan Commission Amendment #: UDO-020

Sponsor: Sturbaum Date: 11/28/06

Synopsis

This amendment would reject Plan Commission Amendment UDO-020 and reinstate the requirement that there be at least one entrance for each *ground floor use* along the B-Line Trail rather than requiring that there be at least one entrance for each *structure* along the trail. This change is intended to preserve the “pedestrian friendly” quality of this unique downtown amenity.

Action: Adopt 1 (Sturbaum) – 8 Defeated
Action Date: December 4, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. Courthouse Square Overlay (CSO) District
Section 20.03.060 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-6 (Draft F); Page 3-5 (Integrated UDO)

(D) B-Line Trail:

- (i) A well defined pedestrian entrance shall be provided for each ground floor use fronting the B-Line Trail. ~~One (1) pedestrian entrance shall be provided per two hundred (200) feet of property frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.~~

2. Downtown Core Overlay (DCO) District
Section 20.03.130 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-11 (Draft F); Page 3-9 (Integrated UDO)

(D) B-Line Trail:

- (i) A well defined pedestrian entrance shall be provided for each ground floor use fronting the B-Line Trail. ~~One (1) pedestrian entrance shall be provided per two hundred (200) feet of property frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.~~

3. Downtown Edges Overlay (DEO) District
Section 20.03.270 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-23 (Draft F); Page 3-19 (Integrated UDO)

(E) A well defined pedestrian entrance shall be provided for each ground floor use fronting the B-Line Trail. ~~One (1) pedestrian entrance shall be provided per two hundred (200) feet of property frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.~~

4. Downtown Gateway Overlay (DGO) District
Section 20.03.340 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-27 (Draft F); Page 3-24 (Integrated UDO)

(E) A well defined pedestrian entrance shall be provided for each ground floor use fronting the B-Line Trail. ~~One (1) pedestrian entrance shall be provided per two hundred (200) feet of property frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.~~

5. Showers Technology Park Overlay (STPO) District
Section 20.03.410 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-31 (Draft F); Page 3-28 (Integrated UDO)

(D) B-Line Trail:

- (i) A well defined pedestrian entrance shall be provided for each ground floor use fronting the B-Line Trail. ~~One (1) pedestrian entrance shall be provided per two hundred (200) feet of property frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.~~

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 04 Plan Commission Amendment #: UDO-021

Sponsor: Sturbaum Date: 11/28/06

Synopsis

This amendment would reject Plan Commission Amendment UDO-021 and reinstate the requirement that there be at least one pedestrian entrance on each building façade that faces a public street rather than requiring one pedestrian entrance for building facades with more than 66 feet of frontage.

Action: Adopt 0 - 9 Defeated
Action Date: December 4, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. Courthouse Square Overlay (CSO) District
Section 20.03.060 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances;
Page 3-6 (Draft F); Page 3-5 (Integrated UDO)

(B) A minimum of one (1) pedestrian entrance shall be provided on each building façade facing a public street. ~~for any building façade which contains at least sixty-six (66) feet of frontage facing a public street.~~

2. Downtown Core Overlay (DCO) District
Section 20.03.130 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances;
Page 3-11 (Draft F); Page 3-9 (Integrated UDO)

(B) A minimum of one (1) pedestrian entrance shall be provided on each building façade facing a public street. ~~for any building façade which contains at least sixty-six (66) feet of frontage facing a public street.~~

3. Downtown Edges Overlay (DEO) District
Section 20.03.270 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-23 (Draft F); Page 3-19 (Integrated UDO)

(B) A minimum of one (1) pedestrian entrance shall be provided on each building façade facing a public street. ~~for any building façade which contains at least sixty six (66) feet of frontage facing a public street.~~

4. Downtown Gateway Overlay (DGO) District
Section 20.03.340 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-27 (Draft F); Page 3-23 (Integrated UDO)

(B) A minimum of one (1) pedestrian entrance shall be provided on each building façade facing a public street. ~~for any building façade which contains at least sixty six (66) feet of frontage facing a public street.~~

5. Showers Technology Park Overlay (STPO) District
Section 20.03.410 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-31 (Draft F); Page 3-28 (Integrated UDO)

(B) A minimum of one (1) pedestrian entrance shall be provided on each building façade facing a public street. ~~for any building façade which contains at least sixty six (66) feet of frontage facing a public street.~~

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 11

Plan Commission Amendment #: N/A

Sponsor: Wisler

Date: 11/28/06

Synopsis

This amendment would allow convenience stores (with gas) in Business Park (BP) districts as a permitted use with special conditions in order to promote competition, provide efficient delivery of those services, and still be compatible with surrounding uses.

Action: Not Introduced – See Am 11a

Action Date: December 13, 2006

Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~ in the following sections:

1. **20.02 Zoning Districts; 450 Business Park (BP) District;
460 Permitted Uses
Page 2-24 (Draft F); Page 2-25 (Integrated UDO)**

** Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.*

Commercial Permitted Uses:

- business/professional office

- Convenience store (with gas)*

- dwelling, single-family (detached)

- dwelling, upper floor units

- government office

- government operations (non-office)

- group care home for developmentally disabled*

- group care home for mentally ill*

- group/residential care home*

- light manufacturing

- parking garage/structure

- police, fire or rescue station

- radio/TV station

- research center

- restaurant, limited service*

- retail, low intensity*

- school, trade or business

- testing lab

- utility substation and transmission facility*

2. **20.05 Development Standards; 092 [Special Conditions; Convenience Store]**
Page 5-87 (Draft F); Page 5-90 (Integrated UDO)

20.05.092 SC-05 [Special Conditions; Convenience Store]

This Special Conditions Standards section applies to the following zoning districts:

[CL] [CG] [CD] [BP]

(a) Convenience Store (with gas):

(1) In the [CL] and [CD] and [BP] zoning districts, the use shall be limited to a total of four (4) metered fuel dispenser units for the sale and distribution of gasoline and/or any other petroleum products.

(2) In the [CL] and [BP] zoning district, major overhaul, body and fender work, upholstery, welding, and spray painting shall be prohibited as a component of a convenience store (with gas).

(3) In the [CG] and [CD] zoning districts, all major overhaul, body and fender work, upholstery and welding shall be conducted within a completely enclosed building.

(4) In the [CG] and [CD] zoning districts, all spray painting shall be conducted within an approved spray booth.

(5) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.

(6) Outdoor storage of more than three (3) wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 12

Plan Commission Amendment #: None

Sponsor: Volan

Date: 11/28/06

Synopsis

This amendment would eliminate the Conventional Subdivision (CV) category. The CV subdivision is the least sustainable subdivision type and is contrary to the City's Growth Policies Plan (GPP) – it encourages cul-de-sacs, discourages connectivity and does not provide for local commerce.

Action: Adopt 3 (Rollo, Ruff & Volan) – 6 Defeated
Action Date: December 7, 2007

Proposed Amendment:

This amendment adds the **shaded text** and deletes the ~~strikeout text~~:

1. 20.06.010 Conventional Subdivision; Intent
Pages 6-4 through 6-5 (both Draft F and Integrated UDO):

~~20.06.010 Conventional Subdivision; Intent~~

~~The Conventional Subdivision is intended to be used as follows:~~

~~•Allow for both subdivisions containing a small number of lots and no new public streets as well as subdivisions consisting of a larger number of lots and new public street extensions;~~

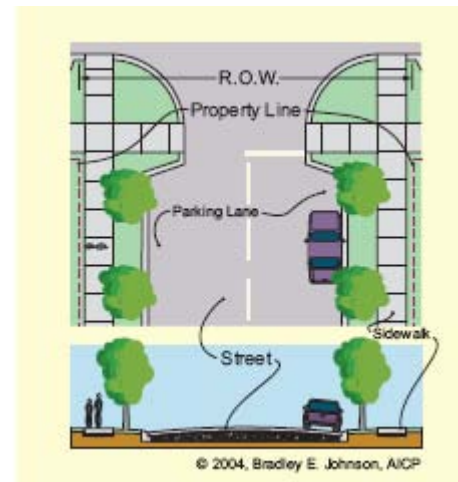
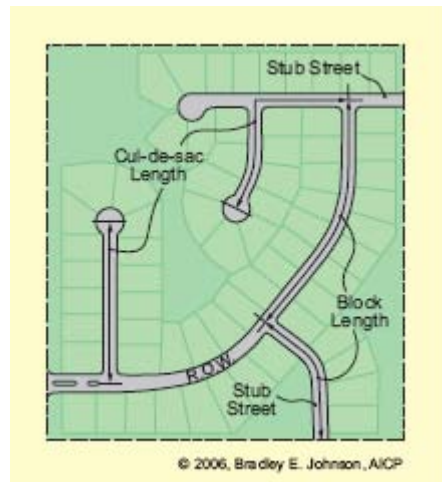
~~•Permit residential developments that are consistent with adjoining subdivisions which have been more recently developed after the buildout of core neighborhoods;~~
~~•Ensure that new subdivisions contain adequate street, bicycle, and pedestrian connectivity to~~

~~adjacent neighborhoods as well as nonresidential activity centers; and~~
~~•Facilitate development on parcels not characterized by significant environmental constraints as well as development on parcels not located next to existing subdivisions characterized by more gridlike street patterns.~~



The diagram above is intended to illustrate the concepts outlined in this Chapter. The design of new subdivisions must follow the regulations of the Unified Development Ordinance, but need not match this illustration.

20.06.020 Conventional Subdivision; Standards and Effect on Development Standards



Prerequisite Base Zoning District:

•RE, RS, RC, RH, RM, or MH

Minimum Parent Tract:

•N/A

Minimum Open Space:

•For subdivisions of at least 25 lots and no more than 49 lots, a minimum of 10% of the gross acreage must be identified as common open space on the plat.

•For subdivisions of at least 50 lots and no more than 74 lots, a minimum of 15% of the gross acreage must be identified as common open space on the plat.

•For subdivisions of at least 75 lots, a minimum of 20% of the gross

acreage must be identified as common open space on the plat.

Minimum Cul-de-sac Length:

•200 feet

Maximum Cul-de-sac Length:

•600 feet

Maximum Lots per Cul-de-sac:

•20 lots

Maximum Block Length:

•1,000 feet

Alternative Transportation Facilities:

•Facilities required on both sides of internal streets and along adjoining streets.

•Facility type shall be governed by the Alternative Transportation &

Greenways System Plan:

ROW Dedication:

•Per Master Thoroughfare Plan

Street Width:

•Per Master Thoroughfare Plan

On-street Parking:

•Not required

•Where provided, must meet standards of *Chapter 20.07; §OG Onstreet Parking Standards*

Alley Standards:

•Alleys are not required

Minimum Tree Plot Width:

•Per Master Thoroughfare Plan

Minimum Sidewalk/Sidepath Width:

•Per Master Thoroughfare Plan

Additional Subdivision Standards that Apply —		Effect on Development Standards
Alley Standards (AL) • AL-01 Page 7-4 Arterial Road Frontage Standards (AF) • AF-01 Page 7-5 Easement Standards (EA) • EA-01 Page 7-7 Environmental Standards (EV) • EV-01 Page 7-9 Facilities Plan Standards (FC) • FC-01 Page 7-10 Lot Establishment Standards (LT) • LT-01 Page 7-11 Monument & Marker Standards (MM) • MM-01 Page 7-12 On-street Parking Standards (OG) • OG-01 Page 7-13 Open Space Standards (OP) • OP-01 Page 7-14	Pedestrian Network Standards (PN) • PN-01 Page 7-15 Storm Water Standards (SM) • SM-01 Page 7-16 Street & Right-of-way Standards (SR) • SR-01 Page 7-17 Street Lighting Standards (SL) • SL-01 Page 7-19 Street Name Standards (SN) • SN-01 Page 7-20 Street Sign Standards (SS) • SS-01 Page 7-21 Sustainable Development Incentives (SD) • SD-01 Page 7-22 Utility Standards (UT) • UT-01 Page 7-24	• All standard zoning district development standards apply

2. Chapter 20.06: Subdivision Regulations
20.06.005 Subdivision Type

Page 6-2 (both Draft F and Integrated UDO):

~~Conventional Subdivision (CV)~~

~~20.06.010 Conventional Subdivision; Intent~~

~~20.06.020 Conventional Subdivision; Standards and Effect on Development Standards~~

3. Chapter 20.07.030:

20.06.030 Icon Key

~~[CV] — Conventional Subdivision (CV)~~

[CS] – Conservation Subdivision (CS)

[TD] – Traditional Subdivision (TD)

[CI] – Commercial/Industrial Subdivision (CI)

20.07.040 AL-01 [Alley Standards]

This Alley Standards section applies to the following types of development:

~~[CV]~~ [CS] [TD] [CI]

~~20.07.050 AF-01 [Arterial Frontage Standards; Residential]~~

~~— This Arterial Frontage Standards section applies to the following types of development:~~

~~— [CV]~~

~~This Arterial Frontage Standards section applies to the following types of development:~~

~~— [CV]~~

~~— (a) General: All residential subdivisions shall be designed so that no residential lot directly borders an Arterial level street unless those lots utilize alley access, an access street, or provide a buffer to screen the visual impacts of homes along Arterial level streets.~~

~~— (b) Alley access: Individual single family residential lots (attached and detached) may directly front Arterial level streets if rear alleys are utilized for all lots fronting the Arterial street.~~

~~— (1) Front setbacks for these lots must be increased to a minimum of forty (40) feet from the proposed right of way indicated on the Master Thoroughfare Plan.~~

~~— (2) Alleys must be constructed to standards of **Chapter 20.07; §AL: Alley Standards**.~~

~~— (c) Access Street: Individual single family residential lots (attached and detached) may front Arterial level streets if an access street is utilized.~~

~~— (1) Separation: This access street must be separated from the proposed right of way indicated on the Master Thoroughfare Plan by a grass strip of at least twenty (20) feet in width.~~

~~— (2) Traffic Lanes: An access street shall be designed to accommodate two way traffic.~~

~~— (3) Location: An access street shall be designed to generally run parallel to the Arterial level street. (4) Right of way or Easement: Access streets shall be placed within additional right of way or an access easement.~~

~~— (5) Pavement Width: Access streets shall be paved to a minimum width of twenty (20) feet for two way traffic, or twenty eight (28) feet if parking is permitted on one side.~~

~~— (6) Sidewalks: In addition to the required pedestrian facility along the Arterial level street, access streets must install a sidewalk five (5) feet in width on the interior side of the street.~~

~~— (7) Access Points:~~

~~— (A) Access streets must provide two (2) points of ingress/egress to the Arterial street if they give access to ten (10) or more residential lots or if they exceed five hundred (500) feet in length.~~

~~— (B) No more than two (2) ingress/egress points are permitted for an access street.~~

~~— (d) Buffer: Through lots may be utilized with the rear of the lots facing the Arterial level street if a buffer is established between the residential lots and the Arterial level street and such buffer is maintained as common area.~~

~~— (1) The buffer must be a minimum of thirty (30) feet in width measured from the proposed right of way indicated on the Master Thoroughfare Plan.~~

~~— (2) The buffer must include one of the following features:~~

~~— (A) A solid wall or combination of walls a minimum of three (3) feet in height, combined with landscaping sufficient to achieve a non lineal, dense buffer of evergreen and deciduous trees, that together~~

~~equal to at least seventy five percent (75%) of the subdivision's lineal frontage along an Arterial street.~~

~~— (B) A landscaped berm a minimum of three (3) feet in height and ten (10) feet in width installed in a non lineal manner. Landscaping within the buffer area shall be equal to one (1) canopy tree, two (2) ornamental trees, two (2) evergreen trees and ten (10) large shrubs for every fifty (50) feet of Arterial frontage.~~

~~— (3) No feature may interfere with sight requirements for safe ingress and egress.~~

20.07.0650 AF-02 [Arterial Frontage Standards; Nonresidential]

This Arterial Frontage Standards section applies to the following types of development:

[CI]

20.07.0760 EA-01 [Easement Standards]

This Easement Standards section applies to the following types of development:
{CV} [CS] [TD] [CI]

20.07.0870 EV-01 [Environmental Standards; General]

This Environmental Standards section applies to the following types of development:
{CV} [CS] [TD] [CI]

20.07.0980 FC-01 [Facilities Plan Standards; Residential]

This Facilities Plan Standards section applies to the following types of development:
{CV} [CS] [TD] [CI]

20.07.10090 LT-01 [Lot Establishment Standards]

This Lot Establishment Standards section applies to the following types of development:
{CV} [CS] [TD] [CI]

20.07.110100 MM-01 [Monument and Marker Standards; General]

This Monument and Marker Standards section applies to the following types of development:
{CV} [CS] [TD] [CI]

20.07.120110 OG-01 [On-street Parking Standards]

This On-street Parking Standards section applies to the following types of development:
{CV} [CS] [TD] [CI]

20.07.130120 OP-01 [Open Space Standards; Residential, Commercial and Industrial]

This Open Space Standards section applies to the following types of development:
{CV} [CS] [TD] [CI]

20.07.140130 PN-01 [Pedestrian Network Standards]

This Pedestrian Network Standards section applies to the following types of development:
{CV} [CS] [TD] [CI]

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 18 Plan Commission Amendment #: N/A

Sponsor: Volan Date: 12/1/06

Synopsis

This amendment eliminates the minimum parking requirements in the Downtown Core Overlay (DCO) District, University Village Overlay (UVO) District, Downtown Edges Overlay (DEO) District, Downtown Gateway Overlay (DGO) District and the Showers Technology Park Overlay (STPO) District and states residential parking requirements as maximum figures in all of these Districts and the Courthouse Square Overlay (CSO) District . The intent of this amendment is to provide incentives for people to use public transit and to provide incentives for residential and commercial use by reducing space for the storage of automobiles.

Action: Not Introduced
Action Date: December 13, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. Courthouse Square Overlay (CSO) District
20.03.050 Development Standards
Page 3-5 (Draft F and Integrated UDO)

20.03.050 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density:* 100 bedrooms/acre.
- (2) *Maximum Impervious Surface Coverage:* 100%.

(b) Height Standards:

- (1) *General:*
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 55 feet.
- (2) *Buildings located on the Courthouse Square:*
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 40 feet.

(c) Parking Standards:

- (1) *Minimum Surface Parking Setback:*
 - (A) Front Yard: 20 feet behind primary structure's front building wall.
 - (B) Side Yard: 0 feet.
 - (C) Rear Yard: 0 feet.

(2) *Residential Parking Standards:*

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(3) *Nonresidential Parking Standards:* No parking spaces required.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:

(1) *Build-to Line:* 0 feet.

(2) *Maximum Front Setback:* n/a.

(3) *Minimum Side Setback:* 0 feet; additional setback may be required per local building code.

(4) *Minimum Rear Setback:* 0 feet; additional setback may be required per local building code.

2. **Downtown Core Overlay (DCO) District**

20.03.110 Development Standards

Page 3-11 (Draft F) and Pages 3-9 (Integrated UDO)

20.03.120 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density:* 180 bedrooms/Acre.

(2) *Maximum Impervious Surface Coverage:* 100%.

(b) Height Standards:

(1) *Minimum Structure Height:* 35 feet

(2) *Maximum Structure Height:* 60 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

(A) Front Yard: 20 feet behind primary structure's front building wall.

(B) Side Yard: 5 feet.

(C) Rear Yard: 5 feet.

(2) *Residential Parking Standards:*

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~

~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

~~(D) For developments located south of 4th Street, no parking shall be required.~~

(3) *Nonresidential Parking Standards:* No parking required.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:

(1) *Build-to Line:* 0 feet.

- (2) *Maximum Front Setback*: n/a.
- (3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code.
- (4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

3. **University Village Overlay (UVO) District**
20.03.190 Development Standards
Page 3-17 (Draft F); Page 3-14 (Integrated UDO)

20.03.190 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density*: 100 bedrooms/Acre.
- (2) *Maximum Impervious Surface Coverage*:
 - (A) General: 85%;
 - (B) Kirkwood Corridor: 100%.

(b) Height Standards:

- (1) *General*:
 - (A) Minimum Structure Height: 25 feet
 - (B) Maximum Structure Height: 55 feet
- (2) *Restaurant Row Corridor*:
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 40 feet.

(c) Parking Standards:

(1) *Minimum Surface Parking Setback*:

- (A) General:
 - (i) Front Yard: 20 feet behind primary structure's front building wall;
 - (ii) Side Yard: 5 feet;
 - (iii) Rear Yard: 5 feet.
- (B) Kirkwood Corridor:
 - (i) Front Yard: 20 feet behind primary structure's front building wall;
 - (ii) Side Yard: 0 feet;
 - (iii) Rear Yard: 0 feet.

(2) *Residential Parking Standards:*

- (A) No parking required.
- (B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.
- ~~(A) For the first ten (10) bedrooms, no parking shall be required.~~
- ~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking space per bedroom shall be provided.~~
- ~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking space per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards*: No parking required

(d) Building Setback Standards:

- (1) *Build-to Line*: n/a;

- (2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;
- (3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code;
- (4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

4. Downtown Edges Overlay (DEO) District

20.03.260 Development Standards

Page 3-23 (Draft F); Page 3-19 (Integrated UDO)

20.03.260 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density*: 60 bedrooms/acre.
- (2) *Maximum Impervious Surface Coverage*: 70%.

(b) Height Standards:

- (1) *Minimum Structure Height*: 25 feet
- (2) *Maximum Structure Height*: 35 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback*:

- (A) Front Yard: 20 feet behind primary structure's front building wall;
- (B) Side Yard: 7 feet;
- (C) Rear Yard: 7 feet.

(2) *Residential Parking Standards*: 0.8 spaces per bedroom.

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(3) *Nonresidential Parking Standards*: Fifty percent (50%) of the minimum parking required

~~Chapter 20.05; §PK: Parking Standards.~~ No parking required.

(d) Building Setback Standards:

- (1) *Build-to Line*: n/a;
- (2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;
- (3) *Minimum Side Setback*: 7 feet;
- (4) *Minimum Rear Setback*: 10 feet.

5. Downtown Gateway Overlay (DGO) District

20.03.330 Development Standards

Page 3-27 (Draft F); Page 3-23 (Integrated UDO)

20.03.330 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density*: 100 bedrooms/Acre.
- (2) *Maximum Impervious Surface Coverage*: 75%.

(b) Height Standards:

- (1) *Minimum Structure Height*: 25 feet

(2) *Maximum Structure Height*: 50 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback*:

(A) Front Yard: 20 feet behind primary structure's front building wall.

(B) Side Yard: 5 feet.

(C) Rear Yard: 5 feet.

(2) *Residential Parking Standards*:

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(A) For the first ten (10) bedrooms, no parking shall be required.

— (B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.

— (C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.

(3) *Nonresidential Parking Standards*: ~~Seventy five percent (75%) of the minimum parking required in Chapter 20.05; §PK: Parking Standards.~~ No parking required.

(d) Building Setback Standards:

(1) *Build-to Line*: n/a;

(2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;

(3) *Minimum Side Setback*: 5 feet;

(4) *Minimum Rear Setback*: 5 feet.

6. **Showers Technology Park Overlay (STPO) District**

20.03.400 Development Standards

Page 3-31 (Draft F); Page 3-27 (Integrated UDO)

20.03.400 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density*: 45 bedrooms/Acre

(2) *Maximum Impervious Surface Coverage*: 75%

(b) Height Standards:

(1) *Minimum Structure Height*: 25 feet.

(2) *Maximum Structure Height*: 55 feet.

(c) Parking Standards:

(1) *Minimum Surface Parking Setback*:

(A) Front Yard: 20 feet behind primary structure's front building wall

(B) Side Yard: 7 feet

(C) Rear Yard: 7 feet

(2) *Residential Parking Standards*:

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall

be provided.

(A) For the first ten (10) bedrooms, no parking shall be required.

~~_____ (B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~

~~_____ (C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards:* No parking required.

~~(A) Commercial Retail: No parking required;~~

~~_____ (B) Other Nonresidential Uses: Seventy-five percent (75%) of the minimum parking required in Chapter 20.05; §PK: Parking Standards.~~

(d) Building Setback Standards:

(1) *Build-to Line:* n/a

(2) *Maximum Front Setback:* 15 feet from the existing public right-of-way

(3) *Minimum Side Setback:* 5 feet

(4) *Minimum Rear Setback:* 5 feet

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 18a Plan Commission Amendment #: N/A

Sponsor: Volan Date: 12/1/06

Synopsis

Am 18 would eliminate the minimum residential parking requirements in the Downtown Core Overlay (DCO) District, the University Village Overlay (UVO) District, the Downtown Edges Overlay (DEO) District, the Downtown Gateway Overlay (DGO) District and the Showers Technology Park Overlay (STPO) District and would eliminate the non-residential parking requirements in DEO, DGO and STPO. The intent of this amendment is to provide incentives for people to use public transit and to provide incentives for residential and commercial use by reducing space for the storage of automobiles. *Note: While Am 18 both eliminated the minimum parking requirement and imposed maximums in all of the above-referenced Downtown Overlay Districts, Am 18a only eliminates the minimum parking requirement in these districts.*

Action: Not Introduced

Action Date: December 13, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. **Downtown Core Overlay (DCO) District**
20.03.110 Development Standards
Page 3-11 (Draft F) and Pages 3-9 (Integrated UDO)

20.03.120 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density:* 180 bedrooms/Acre.
- (2) *Maximum Impervious Surface Coverage:* 100%.

(b) Height Standards:

- (1) *Minimum Structure Height:* 35 feet
- (2) *Maximum Structure Height:* 60 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

- (A) Front Yard: 20 feet behind primary structure's front building wall.
- (B) Side Yard: 5 feet.
- (C) Rear Yard: 5 feet.

(2) *Residential Parking Standards:* No parking required.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom~~

~~shall be provided.~~

~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

~~(D) For developments located south of 4th Street, no parking shall be required.~~

(3) *Nonresidential Parking Standards*: No parking required.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:

(1) *Build-to Line*: 0 feet.

(2) *Maximum Front Setback*: n/a.

(3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code.

(4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

2. **University Village Overlay (UVO) District**

20.03.190 Development Standards

Page 3-17 (Draft F); Page 3-14 (Integrated UDO)

20.03.190 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density*: 100 bedrooms/Acre.

(2) *Maximum Impervious Surface Coverage*:

(A) General: 85%;

(B) Kirkwood Corridor: 100%.

(b) Height Standards:

(1) *General*:

(A) Minimum Structure Height: 25 feet

(B) Maximum Structure Height: 55 feet

(2) *Restaurant Row Corridor*:

(A) Minimum Structure Height: 25 feet.

(B) Maximum Structure Height: 40 feet.

(c) Parking Standards:

(1) *Minimum Surface Parking Setback*:

(A) General:

(i) Front Yard: 20 feet behind primary structure's front building wall;

(ii) Side Yard: 5 feet;

(iii) Rear Yard: 5 feet.

(B) Kirkwood Corridor:

(i) Front Yard: 20 feet behind primary structure's front building wall;

(ii) Side Yard: 0 feet;

(iii) Rear Yard: 0 feet.

(2) *Residential Parking Standards*: No parking required.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking space per bedroom shall be provided.~~

~~————— (C) For any bedrooms above twenty (20), eight tenths (0.8) parking space per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards*: No parking required

(d) Building Setback Standards:

(1) *Build-to Line*: n/a;

(2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;

(3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code;

(4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

3. Downtown Edges Overlay (DEO) District

20.03.260 Development Standards

Page 3-23 (Draft F); Page 3-19 (Integrated UDO)

20.03.260 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density*: 60 bedrooms/acre.

(2) *Maximum Impervious Surface Coverage*: 70%.

(b) Height Standards:

(1) *Minimum Structure Height*: 25 feet

(2) *Maximum Structure Height*: 35 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback*:

(A) Front Yard: 20 feet behind primary structure's front building wall;

(B) Side Yard: 7 feet;

(C) Rear Yard: 7 feet.

(2) *Residential Parking Standards*: ~~0.8 spaces per bedroom.~~ No parking required.

(3) *Nonresidential Parking Standards*: ~~Fifty percent (50%) of the minimum parking required~~

~~Chapter 20.05; §PK: Parking Standards.~~ No parking required.

(d) Building Setback Standards:

(1) *Build-to Line*: n/a;

(2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;

(3) *Minimum Side Setback*: 7 feet;

(4) *Minimum Rear Setback*: 10 feet.

4. Downtown Gateway Overlay (DGO) District

20.03.330 Development Standards

Page 3-27 (Draft F); Page 3-23 (Integrated UDO)

20.03.330 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density*: 100 bedrooms/Acre.

(2) *Maximum Impervious Surface Coverage*: 75%.

(b) Height Standards:

- (1) *Minimum Structure Height:* 25 feet
- (2) *Maximum Structure Height:* 50 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

- (A) Front Yard: 20 feet behind primary structure's front building wall.
- (B) Side Yard: 5 feet.
- (C) Rear Yard: 5 feet.

(2) *Residential Parking Standards:* No parking required.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~—(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~

~~————(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards:* ~~Seventy five percent (75%) of the minimum parking required in Chapter 20.05; §PK: Parking Standards.~~ No parking required.

(d) Building Setback Standards:

- (1) *Build-to Line:* n/a;
- (2) *Maximum Front Setback:* 15 feet from the existing public right-of-way;
- (3) *Minimum Side Setback:* 5 feet;
- (4) *Minimum Rear Setback:* 5 feet.

5. Showers Technology Park Overlay (STPO) District
20.03.400 Development Standards
Page 3-31 (Draft F); Page 3-27 (Integrated UDO)

20.03.400 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density:* 45 bedrooms/Acre
- (2) *Maximum Impervious Surface Coverage:* 75%

(b) Height Standards:

- (1) *Minimum Structure Height:* 25 feet.
- (2) *Maximum Structure Height:* 55 feet.

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

- (A) Front Yard: 20 feet behind primary structure's front building wall
- (B) Side Yard: 7 feet
- (C) Rear Yard: 7 feet

(2) *Residential Parking Standards:* No parking required.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom~~

~~shall be provided.~~

~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards:* No parking required.

~~(A) Commercial Retail: No parking required;~~

~~(B) Other Nonresidential Uses: Seventy five percent (75%) of the minimum parking required in Chapter 20.05; §PK: Parking Standards.~~

(d) Building Setback Standards:

(1) *Build-to Line:* n/a

(2) *Maximum Front Setback:* 15 feet from the existing public right-of-way

(3) *Minimum Side Setback:* 5 feet

(4) *Minimum Rear Setback:* 5 feet

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 19 Plan Commission Amendment #: N/A

Sponsor: Volan Date: 12/1/06

Synopsis

This amendment would shift the threshold for parking requirements from a minimum figure to a maximum figure. By stating allowable parking in terms of a maximum limit, the intent of this amendment is to accomplish the transportation goals set forth in the City's Growth Policies Plan.

Note: This amendment offers a different framework for parking than found in the current draft of the UDO. For that reason, the changes presented below are merely illustrative of the amendment's proposal. Passage of this amendment would have the effect of directing staff to make the necessary systemic changes to the UDO and file them with the City Clerk prior to final action on the UDO by the Council at the Regular Session on December 20, 2006.

Action: Not Introduced
Action Date: December 13, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. 20.05.070 PK-01 [Parking Standards; General]

Pages 5-63 -- 5-72 (Draft F) and Pages 5-65 -- 5-74 (Integrated UDO)

20.05.070 PK-01 [Parking Standards; General]

Purpose: To provide adequate on-site parking for developments, minimize any detrimental effects of on-site parking areas on adjacent properties, and ensure the proper and uniform development of parking areas throughout the City. On-site parking and loading spaces for every use shall be provided in accordance with the standards established in this section. Further, parking areas shall be designed to:

- A. Minimize dangerous traffic movements;
- B. Achieve efficient traffic flow in accordance with standards in the Institute of Traffic Engineers (ITE) Transportation & Traffic Engineering Handbook and the Master Thoroughfare Plan; and
- C. Conform to the applicable parking requirements and provide for the optimum number of parking spaces, while maintaining design standards and preserving green space.

This Parking Standards section applies to the following zoning districts:

[RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD]] [IG] [BP] [IN] [MD] [QY]

- (a) Number of Parking Spaces Required:

- (1) ~~Minimum~~ Maximum Number of Parking Spaces Required:

- (A) Unless specifically stated otherwise in the Unified Development Ordinance, the number of on-site parking spaces shall not exceed the spaces as stated be as specified in **Exhibit PK-A: Required**

Maximum Number of Parking Spaces by Land Use.

(B) In cases where the number of parking spaces is based on gross floor area in ***Exhibit PK-A: Required Number of Parking Spaces by Land Use***, an applicant may provide Planning staff with a notarized affidavit stating the square footage of the assignable area of the building. When such an affidavit is provided, the number of parking spaces required shall be calculated based on assignable area rather than gross floor area. Space which is designated as non assignable shall not be used as assignable area without provision of additional required on-site parking for that area.

(B)(C) If a use is not clearly noted in ***Exhibit PK-A: Required Maximum Number of Parking Spaces by Land Use***, the Planning Director shall determine which land use is most similar to the proposed development, and determine the required maximum number of parking spaces based on that similar use.

(2) ***Maximum Number of Parking Spaces:*** Unless specifically stated otherwise in the Unified Development Ordinance, additional on-site parking spaces above the minimum required number may be provided based on the following standards:

(A) For sites where fifteen (15) or fewer parking spaces are required by this Ordinance, a maximum of four (4) additional parking spaces above the minimum requirement may be provided.

(B) For sites where sixteen (16) or more parking spaces are required by this Ordinance, additional parking spaces may be provided up to a maximum of fifteen percent (15%) above the minimum requirement.

(C) Single family residences are exempt from the maximum parking requirement.

(3) Upon the approval of the Planning Director, a parking lot may be built with fewer spaces than the required minimum spaces in ***Exhibit PK-A: Required Number of Parking Spaces by Land Use*** if the following standards are met:

(A) Landbank Area: Adequate space shall be landbanked such that the full number of parking spaces required in ***Exhibit PK-A: Required Number of Parking Spaces by Land Use*** can be built on-site at a later date, should the need arise.

(i) Parking Design Required: A design shall be presented showing how the full number of parking spaces required in ***Exhibit PK-A: Required Number of Parking Spaces by Land Use*** would be installed, and how drainage would be handled. This design shall be approved by the planning staff.

(ii) Maximum Reduction: Under no circumstances shall less than fifty percent (50%) of the spaces required by ***Exhibit PK-A: Required Number of Parking Spaces by Land Use*** be installed.

(B) Mixed Uses: Where a development contains multiple land uses with different peak travel generation, the total required parking spaces may be reduced by the Planning Director. In such instances,

~~parking space reductions shall be determined by utilizing the ITE: Trip Generation standards or similar professional parking or travel demand standards.~~

(2) ~~(C)~~ Multi-modal Proximity: Where a development is located within one-tenth (0.10) of a mile of a public transit stop or a multiuse trail facility, the ~~minimum~~ **maximum** parking requirement ~~may~~ **shall** be reduced by ~~up to a maximum of~~ fifteen percent (15%).

(b) Parking for the Disabled:

- (1) Accessible spaces shall be provided per the specifications of the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the Indiana Building Code (IBC).
- (2) Each accessible space shall be located adjacent to an access aisle and in proximity to the building entrance most accessible for the disabled.
- (3) All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces.

(c) Multifamily Parking: Multifamily developments may utilize garages with individual driveways accessing the street provided that the street being accessed is designated a Secondary Collector or lower by the Master Thoroughfare Plan, or is a private street.

(d) Minimum Dimensions: Parking spaces shall be designed to provide a parking area that is a minimum of nine (9) feet wide by eighteen (18) feet long. Except in the case of single-family detached or attached residential uses, all parking spaces shall be striped to clearly mark each space.

(e) Location:

(1) *Rights-of-way:* On-site parking spaces shall not be located within public rights-of-way.

(2) *Shared Parking Facilities:*

(A) Authorization: The owners of two (2) or more properties may join together to provide ~~the required~~ parking spaces for their respective uses. Upon request by the owners and after review of the request by the Planning Director, the Planning Director may authorize the shared use of parking facilities under the following conditions:

(i) ~~Minimum~~ **Maximum:** In a shared parking arrangement, each property shall provide **no more than** ~~a minimum of sixty percent (60%) of the~~ **maximum** individual parking ~~requirements allowance. In no case shall the total combined parking spaces be less than one hundred and twenty percent (120%) of the greater individual parking requirement.~~

(ii) Proximity: Any property utilizing shared parking facilities shall be located within three hundred (300) feet of such parking facility, using established sidewalks and crosswalks where available.

(B) Shared Parking Agreement: The property owner seeking leased spaces shall provide a recordable zoning commitment to the Planning Department stating that in the case where leased spaces are no longer available, that an adequate parking alternative will be provided.

~~(f) Stacked Parking: Stacked parking spaces shall not be used to fulfill minimum parking space requirements. Single family residences are exempt from this provision.~~

~~(g)~~ **(f)** Use of Parking Spaces:

- (1) *Exclusive Use:* Unless a shared parking agreement has been established in accordance with the requirements of Division (e)(2): Shared Parking Facilities, ~~required~~ on-site parking spaces shall be designed, maintained and used exclusively for the tenants, occupants and customers of the buildings or uses on the site.
- (2) *Storage of Vehicles or Equipment:* Parking lots and spaces, including ~~both required and excess~~ parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot.
- (3) *Motor Vehicle Repair:* Motor vehicle repair work in parking areas shall be permitted in residential districts, provided that the vehicle under repair is owned by the occupant of the residential property; the

frequency, duration and scope of such use is reasonable and customary as accessory to the residential use; and no business is being conducted in conjunction with such repair use. Motor vehicle repair work in parking areas, ~~including both required and excess parking spaces,~~ shall be prohibited in all other zoning districts.

(g) Parking of Nuisance Vehicles:

- (1) Vehicles and Trailers: The parking of any vehicle or trailer of any type without current license plates or in an inoperable condition shall be prohibited unless completely enclosed within a building or within an approved salvage/scrap yard.
- (2) Storage, Occupancy, or Similar Uses: Vehicles, campers or tractor/trailers of any type shall not be used for the purpose of storage, occupancy, or similar use.
- (3) Motor Vehicle Repair: A maximum of three (3) wrecked or inoperable vehicles awaiting repair may be stored on-site at one time. No such vehicle shall be stored on-site in excess of thirty (30) days.

(h) Parking Aisles:

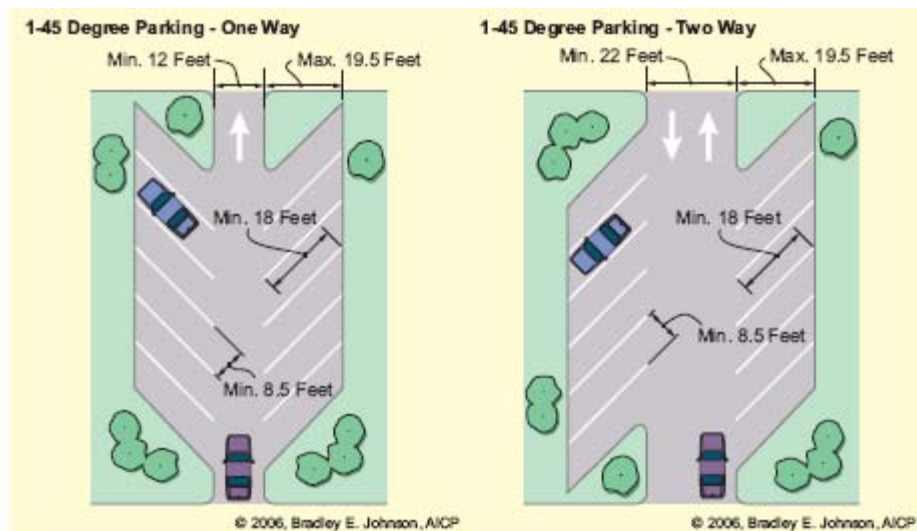
- (1) Widths: Parking aisle widths shall be as follows:

(A) Parallel Spaces:

- (i) One-way: 12-foot wide aisle;
- (ii) Two-way: 22-foot wide aisle.

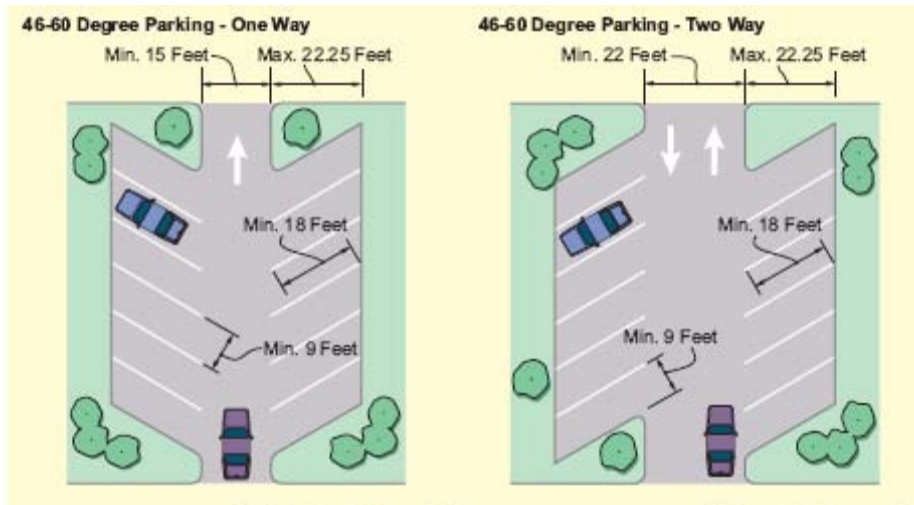
(B) 1-45-degree Angle Space:

- (i) One-way: 12-foot wide aisle;
- (ii) Two-way: 22-foot wide aisle.



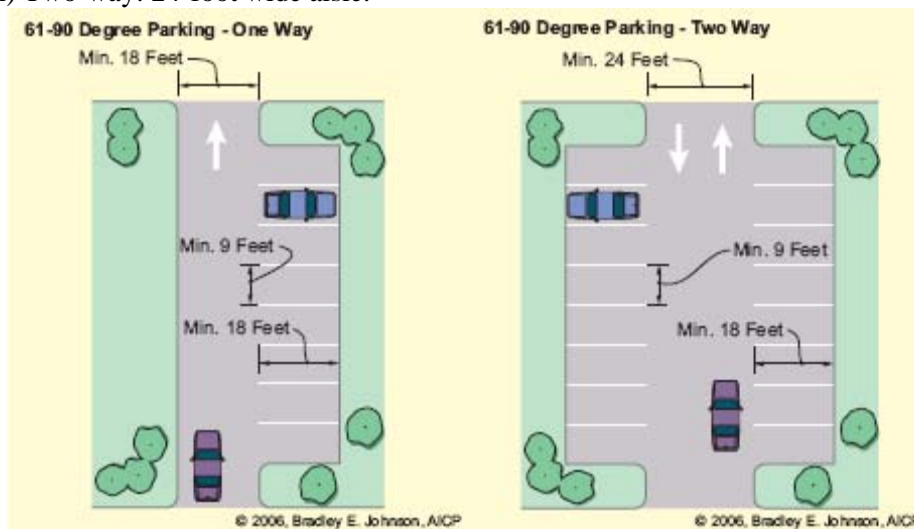
(C) 46-60-degree Angle Space:

- (i) One-way: 15-foot wide aisle;
- (ii) Two-way: 22-foot wide aisle.



(D) 61-90-degree Angle Space:

- (i) One-way: 18-foot wide aisle;
- (ii) Two-way: 24-foot wide aisle.



- (2) All parking aisles shall terminate with a bump-out for turnaround maneuverability.
- (3) All driving lanes and parking aisles in parking lots shall be clearly striped or shall be curbed.

(k) **Back-out Parking:** Unless specifically stated otherwise in the Unified Development Ordinance, all on-site parking areas shall be designed to prevent vehicles from backing onto public streets.

(l) **Back-out Parking Waiver:** Back-out parking within the required side or rear setback may be allowed onto adjacent alleys subject to the following standards:

- (1) The lot in question does not exceed 20,000 square feet in area;
- (2) A maximum of eight (8) back-out parking spaces are permitted per site; and
- (3) Parking shall directly access an improved alley.

(m) **On-street Parking:** The Planning Director may approve the utilization of on-street parking spaces to count toward the provision of the ~~minimum~~ number of spaces ~~required~~ for the development. Such on-street spaces shall be located along the property frontage on the same side of the street as the development requesting their use. In cases where new on-street spaces are being created as a component of the development, the design of such spaces shall meet the standards of the City Engineering

Department.

~~(m)~~(n) Storm Water Drainage:

- (1) Parking areas shall be constructed such that all surface water is directed into a storm water drainage system.
- (2) Water draining from a parking lot shall not flow across a sidewalk.
- (3) Storm Water Drainage Plans for off-street parking areas shall be reviewed and approved by City Utilities Department.

~~(n)~~(o) Surface Material

- (1) Unless specifically stated otherwise in the Unified Development Ordinance, all areas used for parking shall be asphalt, concrete, or other approved material.
- (2) The Planning Director may approve other structurally-engineered, permeable parking pavers for hard surface parking surfaces provided the parking area is intended for low intensity or intermittent parking uses and parking pavers are designed and used to mitigate the negative environmental impacts of impervious surfaces.
- (3) Areas utilizing permeable parking pavers shall not count towards impervious surface calculations.

2. 20.05.075 [Required Number of Parking Spaces by Land Use]

Pages 5-69 ff (Draft F); Pages 5-71 ff (Integrated UDO)

20.05.075 Exhibit PK-A [Required Maximum Number of Parking Spaces by Land Use]

amusements, indoor	1 space per 250 sq. ft. GFA
amusements, outdoor	1 space per 400 sq. ft. of site area accessible to the public
antique sales	1 space per 400 sq. ft. GFA
apparel and shoe sales	1 space per 250 sq. ft. GFA
art gallery	1 space per 300 sq. ft. GFA
arts/craft/hobby store	1 space per 300 sq. ft. GFA
assisted living facility	1 space per employee on the largest shift plus 1 space per 3 residential units
auto body shop	1 space per employee on the largest shift plus 2 spaces per repair bay
auto parts sales	1 space per 300 sq. ft. GFA
bank/credit union	1 space per 250 sq. ft. GFA
banquet hall	1 space per 250 sq. ft. GFA
bar/dance club	1 space per 250 sq. ft. GFA
barber/beauty shop	2 spaces per operator station
bed and breakfast	Per single family standard plus 1 space per guest room
billiard/arcade room	1 space per 250 sq. ft. GFA
boat sales	1 space per 1500 sq. ft. indoor and outdoor display area
bookstore	1 space per 200 sq. ft. GFA
bottled gas storage/distribution	1 space per employee on the largest shift
bowling alley	3 spaces per bowling lane
brewpub	1 space per 200 sq. ft. GFA
building supply store	1 space per 500 sq. ft. GFA
building trade shop	1 space per employee on the largest shift

business/professional office	1 space per 300 sq. ft. GFA
car wash, full service	1 space per employee on the largest shift plus 8 stacking spaces per washing bay
car wash, self service	4 stacking spaces per washing bay
cellular phone/pager services	1 space per 250 sq. ft. GFA
cemetery/mausoleum	1 space per 50 grave sites
check cashing	1 space per 300 sq. ft. GFA
coin laundry	1 space per 3 washing machines
communication facility	1 space
community center	1 space per 300 sq. ft. GFA
computer sales	1 space per 300 sq. ft. GFA
convenience store (with gas pumps)	1 space per employee on the largest shift plus 1 spaces per double-sided pump; 1 space per 3 restaurant seats; 1 space per 1000 sq. ft. GFA of convenience store space
convenience store (without gas pumps)	1 space per employee on the largest shift plus 1 space per 3 restaurant seats and 1 space per 500 sq. ft. GFA of convenience store space
copy center	1 space per 300 sq. ft. GFA
country club	3 spaces per golf hole plus 1 space per 300 sq. ft. GFA customer seating area in an accessory restaurant or bar use
crematory	1 space per employee on the largest shift plus 3 visitor spaces
day-care center, adult/child	1 space per 4 persons of licensed capacity
day-care home, adult/child	Per single family standard
department store	1 space per 200 sq. ft. GFA
distribution facility	1 space per employee on the largest shift
drive-through	5 stacking spaces per drive-through window
drugstore	1 space per 250 sq. ft. GFA

20.05.075 Exhibit PK-A [Required Maximum Number of Parking Spaces by Land Use] (continued)

dry-cleaning service	1 space per employee on the largest shift plus 1 space per 300 sq. ft. accessible to the public
dwelling, mobile home	2 spaces per dwelling unit
dwelling, multifamily	1 space per bedroom
dwelling, single- family	2 spaces per dwelling unit
equipment/party/event rental (indoor)	1 space per 500 sq. ft of building space
equipment/party/event rental (outdoor)	1 space per 500 sq. ft of building space, plus 1 space per 3,000 sq. ft. of outdoor storage
fitness center/gym	1 space per 300 sq. ft. GFA
fitness/training studio	1 space per 400 sq. ft. GFA
flower shop	1 space per 300 sq. ft. GFA
food production/processing	1 space per employee on the largest shift
fraternity house/sorority house	0.8 spaces per bedroom
furniture store	1 space per 500 sq. ft. GFA
garden shop	1 space per 400 sq. ft. GFA
gift shop/boutique	1 space per 400 sq. ft. GFA
golf course	2 spaces per golf hole
golf driving range, outdoor	1 space per tee box
government office	1 space per 300 sq. ft. GFA
government operations (non-office)	1 space per employee on the largest shift
gravel/sand/cement production	1 space per employee on the largest shift
grocery/supermarket	1 space per 200 sq. ft. GFA
group care home for dev. disabled/mentally ill	1 space per employee
group/residential care home	1 space/employee on the largest shift + 1 space per 6 persons max occupancy
hardware store	1 space per 300 sq. ft. GFA
health spa	2 spaces per spa suite
heavy equipment sales/rental	1 space per 2000 sq. ft. indoor and outdoor display area
home electronics/appliance sales	1 space per 250 sq. ft GFA
homeless shelter	1 space per employee on the largest shift plus 1 space per 30 beds
hospital	1.5 spaces per bed
hotel/motel	1 space per lodging unit
impound vehicle storage	1 space per employee on the largest shift
jail	1 space per employee on the largest shift plus 1 visitor space per 8 cells
jewelry store	1 space per 300 sq. ft. GFA
Salvage/scrap yard	1 space per employee on the largest shift
juvenile detention facility	1 space per employee on the largest shift plus 1 visitor space per 10 beds
kennel	1 space per employee on the largest shift, plus 1 space per 500 sq. ft. GFA
library	1 space per 500 sq. ft. GFA
license branch	1 space per 300 sq. ft. GFA
liquor and tobacco sales	1 space per 250 sq. ft. GFA
lodge	1 space per 250 sq. ft. GFA
manufactured home park	2 spaces per unit plus 1 visitor space per 2 units
manufactured housing sales	1 space per 2000 sq. ft. indoor and outdoor display area

manufacturing, heavy/light	1 space per employee on largest shift
medical care clinic, immediate	1 space per 300 sq. ft. GFA
medical clinic	1 space per 300 sq. ft. GFA
miniature golf	1 space per golf hole

20.05.075 Exhibit PK-A [Required Maximum Number of Parking Spaces by Land Use] (continued)

mini-warehouse facility	1 space per employee on largest shift plus 1 space per 25 storage units
mortuary	1 space per 4 chapel or parlor seats
multi-tenant nonresidential center less than 100,000 sq. ft. GFA 100,000 sq. ft. GFA or greater	1 space per 250 sq. ft. GFA 1 space per 300 sq. ft. GFA
museum	1 space per 300 sq. ft. GFA
musical instrument sales	1 space per 250 sq. ft. GFA
music/media	sales 1 space per 250 sq. ft. GFA
nursing/convalescent home	1 space per employee on the largest shift plus 1 space per 4 person maximum occupancy
office supply sales	1 space per 250 sq. ft. GFA
oil change facility	1 space per employee on the largest shift plus 2 stacking spaces per bay
orchard/tree farm	0.75 spaces per employee on the largest shift plus 1 space per 500 sq. ft. GFA of retail sales
outdoor storage	3 to 5 parking spaces
outpatient care facility	1 space per 250 sq. ft. GFA
park	5 spaces per acre
pawn shop	1 space per 300 sq. ft. GFA
pet grooming	1 space per 400 sq. ft. GFA
pet store	1 space per 250 sq. ft. GFA
photographic studio	1 space per 400 sq. ft. GFA
place of worship	1 space per 4 fixed seats or 1 space per 50 square feet of seating area in sanctuary, whichever results in the greater number of spaces
plant nursery/greenhouse	0.75 spaces per employee on the largest shift plus 1 space per 500 sq. ft. GFA of retail sales
police, fire or rescue station	1 space per employee on the largest shift post office 1 space per employee on the largest shift plus 1 per 200 sq. ft. GFA accessible to the public
print shop	1 space per employee on the largest shift
prison	1 space per employee on the largest shift plus 1 visitor space per 15 cells
quarry	1 space per employee on the largest shift
radio/TV station	1 space per employee on the largest shift plus 1 visitor space per 3 employees
recreation center	1 space per 250 sq. ft. GFA
rehabilitation clinic	1 space per employee on the largest shift plus 1 space per 2 client capacity
research center	1 space per employee on the largest shift plus 1 visitor space per 10 employees
restaurant under 5,000 sq. ft. GFA: 5,000 sq. ft. GFA or greater	1 space per 200 sq. ft. GFA 1 space per 100 sq. ft. GFA
restaurant, limited service	1 space per 300 sq. ft. GFA customer seating area
retail, low intensity	1 space per 300 sq. ft. GFA
rooming house	2 spaces plus 1 space for each room for rent
school, business/trade	1 space per employee plus 1 space per two students maximum capacity
school, college/university	1 space per two employees plus 1 space per 4 students maximum capacity
school, preschool	1 space per employee plus 1.5 spaces per classroom

20.05.075 Exhibit PK-A [Required Maximum Number of Parking Spaces by Land Use] (continued)

school, primary/secondary	1 space per employee plus 1 space per 10 students maximum capacity
sexually oriented business	1 space per 200 sq. ft. GFA
shoe repair	1 space per 400 sq. ft. GFA
skating rink	1 space per 200 sq. ft. GFA
social services	1 space per 250 sq. ft. GFA
sporting goods sales	1 space per 250 sq. ft. GFA
stone processing	1 space per employee on the largest shift
storage tanks	1 space per employee on the largest shift
tailor/seamstress shop	1 space per 400 sq. ft. GFA
tanning salon	1 space per 250 sq. ft. GFA
tattoo/piercing parlor	1 space per 300 sq. ft. GFA
testing lab	1 space per employee on the largest shift plus 1 visitor space per 10 employees
theater, drive-in	1 space per vehicle maximum capacity
theater, indoor	1 space per 4 seats
tool and dye shop	1 space per employee on the largest shift
transportation terminal	1 space per employee on largest shift plus 1 space per 400 sq. ft. GFA
utility substation and transmission facility	2 spaces
vehicle accessory installation	1 space per employee on the largest shift plus 2 spaces per bay
vehicle repair	1 space per employee on the largest shift plus 2 spaces per bay
vehicle sales/rental	1 space per 1,000 sq. ft. GFA indoor display area
veterinary clinic	1 space per 300 sq. ft. GFA
video rental	1 space per 200 sq. ft. GFA
warehouse	1 space per employee on the largest shift
welding	1 space per employee on the largest shift

**3. 20.05.074 PK-05 [Parking Standards; Commercial Downtown]
Page 5-68 (Draft F); Page 5-70 (Integrated UDO)**

20.05.074 PK-05 [Parking Standards; Commercial Downtown]

This Parking Standards section applies to the following zoning districts:

[CD]

(a) ~~Minimum~~ ~~Maximum~~ Number of Parking Spaces Required: ~~Minimum~~ ~~Maximum~~ parking requirements for all uses shall be as defined in the applicable Overlay District in Chapter 20.03: Overlay Districts.

(b) Surface Material:

- (1) Parking spaces shall utilize a dustless, hard surface of concrete, asphalt, or comparable materials.
- (2) Under no circumstances shall crushed stone, stone, rock, dirt, sand, or grass be permitted as a parking surface.
- (3) All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

(c) Back-out Parking Waiver: Back-out parking within the required side or rear setback may be allowed onto adjacent alleys subject to the following standards:

- (1) The lot in question does not exceed 20,000 square feet in area;
- (2) A maximum of eight (8) back-out parking spaces are permitted per site; and
- (3) Parking shall directly access an improved alley.

**4. Courthouse Square Overlay (CSO) District
20.03.050 Development Standards
Page 3-5 (Draft F and Integrated UDO)**

20.03.050 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density*: 100 bedrooms/acre.
- (2) *Maximum Impervious Surface Coverage*: 100%.

(b) Height Standards:

- (1) *General*:
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 55 feet.
- (2) *Buildings located on the Courthouse Square*:
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 40 feet.

(c) Parking Standards:

- (1) *Minimum Surface Parking Setback*:
 - (A) Front Yard: 20 feet behind primary structure's front building wall.
 - (B) Side Yard: 0 feet.
 - (C) Rear Yard: 0 feet.
- (2) *Residential Parking Standards*:
 - (A) No parking required.
 - (B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall

be provided.

(3) *Nonresidential Parking Standards*: No parking spaces required.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:

(1) *Build-to Line*: 0 feet.

(2) *Maximum Front Setback*: n/a.

(3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code.

(4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

5. **Downtown Core Overlay (DCO) District**

20.03.110 Development Standards

Page 3-11 (Draft F) and Pages 3-9 (Integrated UDO)

20.03.120 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density*: 180 bedrooms/Acre.

(2) *Maximum Impervious Surface Coverage*: 100%.

(b) Height Standards:

(1) *Minimum Structure Height*: 35 feet

(2) *Maximum Structure Height*: 60 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback*:

(A) Front Yard: 20 feet behind primary structure's front building wall.

(B) Side Yard: 5 feet.

(C) Rear Yard: 5 feet.

(2) *Residential Parking Standards*:

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(A) For the first ten (10) bedrooms, no parking shall be required.

(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.

(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.

(D) For developments located south of 4th Street, no parking shall be required.

(3) *Nonresidential Parking Standards*: No parking required.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:

(1) *Build-to Line*: 0 feet.

(2) *Maximum Front Setback*: n/a.

(3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code.

(4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

6. University Village Overlay (UVO) District
20.03.190 Development Standards
Page 3-17 (Draft F); Page 3-14 (Integrated UDO)

20.03.190 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density:* 100 bedrooms/Acre.
- (2) *Maximum Impervious Surface Coverage:*
 - (A) General: 85%;
 - (B) Kirkwood Corridor: 100%.

(b) Height Standards:

- (1) *General:*
 - (A) Minimum Structure Height: 25 feet
 - (B) Maximum Structure Height: 55 feet
- (2) *Restaurant Row Corridor:*
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 40 feet.

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

- (A) General:
 - (i) Front Yard: 20 feet behind primary structure's front building wall;
 - (ii) Side Yard: 5 feet;
 - (iii) Rear Yard: 5 feet.
- (B) Kirkwood Corridor:
 - (i) Front Yard: 20 feet behind primary structure's front building wall;
 - (ii) Side Yard: 0 feet;
 - (iii) Rear Yard: 0 feet.

(2) *Residential Parking Standards:*

- (A) No parking required.
- (B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.
- ~~(A) For the first ten (10) bedrooms, no parking shall be required.~~
- ~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking space per bedroom shall be provided.~~
- ~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking space per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards:* No parking required

(d) Building Setback Standards:

- (1) *Build-to Line:* n/a;
- (2) *Maximum Front Setback:* 15 feet from the existing public right-of-way;
- (3) *Minimum Side Setback:* 0 feet; additional setback may be required per local building code;
- (4) *Minimum Rear Setback:* 0 feet; additional setback may be required per local building code.

7. Downtown Edges Overlay (DEO) District
20.03.260 Development Standards
Page 3-23 (Draft F); Page 3-19 (Integrated UDO)

20.03.260 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density:* 60 bedrooms/acre.
- (2) *Maximum Impervious Surface Coverage:* 70%.

(b) Height Standards:

- (1) *Minimum Structure Height:* 25 feet
- (2) *Maximum Structure Height:* 35 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

- (A) Front Yard: 20 feet behind primary structure's front building wall;
- (B) Side Yard: 7 feet;
- (C) Rear Yard: 7 feet.

(2) *Residential Parking Standards:* ~~0.8 spaces per bedroom.~~

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(3) *Nonresidential Parking Standards:* Fifty percent (50%) of the ~~minimum~~ maximum parking required **Chapter 20.05; §PK: Parking Standards**.

(d) Building Setback Standards:

- (1) *Build-to Line:* n/a;
- (2) *Maximum Front Setback:* 15 feet from the existing public right-of-way;
- (3) *Minimum Side Setback:* 7 feet;
- (4) *Minimum Rear Setback:* 10 feet.

8. Downtown Gateway Overlay (DGO) District
20.03.330 Development Standards
Page 3-27 (Draft F); Page 3-23 (Integrated UDO)

20.03.330 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density:* 100 bedrooms/Acre.
- (2) *Maximum Impervious Surface Coverage:* 75%.

(b) Height Standards:

- (1) *Minimum Structure Height:* 25 feet
- (2) *Maximum Structure Height:* 50 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

(A) Front Yard: 20 feet behind primary structure's front building wall.

(B) Side Yard: 5 feet.

(C) Rear Yard: 5 feet.

(2) *Residential Parking Standards:*

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~—(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~

~~————(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards:* Seventy-five percent (75%) of the ~~minimum~~ maximum parking required in **Chapter 20.05; §PK: Parking Standards.**

(d) Building Setback Standards:

(1) *Build-to Line:* n/a;

(2) *Maximum Front Setback:* 15 feet from the existing public right-of-way;

(3) *Minimum Side Setback:* 5 feet;

(4) *Minimum Rear Setback:* 5 feet.

**9. Showers Technology Park Overlay (STPO) District
20.03.400 Development Standards
Page 3-31 (Draft F); Page 3-27 (Integrated UDO)**

20.03.400 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density:* 45 bedrooms/Acre

(2) *Maximum Impervious Surface Coverage:* 75%

(b) Height Standards:

(1) *Minimum Structure Height:* 25 feet.

(2) *Maximum Structure Height:* 55 feet.

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

(A) Front Yard: 20 feet behind primary structure's front building wall

(B) Side Yard: 7 feet

(C) Rear Yard: 7 feet

(2) *Residential Parking Standards:*

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~————(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom~~

shall be provided.

~~_____ (C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards:*

(A) Commercial Retail: No parking required;

(B) Other Nonresidential Uses: Seventy-five percent (75%) of the ~~minimum~~ **maximum** parking required in *Chapter 20.05; §PK: Parking Standards*.

**10. 20.07.200 SD-01 [Sustainable Development Incentives; General]
Page 7-22 (Draft F); Page 7-23 (Integrated UDO)**

20.07.200 SD-01 [Sustainable Development Incentives; General]

Purpose: The Growth Policies Plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. As a result, incentives are being provided to encourage the use of sustainable development practices throughout the planning jurisdiction. Implementation of these practices will help to make Bloomington a more sustainable community.

This Sustainable Development Incentives section applies to the following types of development:

[CV] [CS] [TD] [CI]

(a) Sustainable Development Practices: The following Sustainable Development Practices may be incorporated into a subdivision in order to achieve development standards bonuses as provided in ***Subsection (b): Level One Incentives*** and ***Subsection (c): Level Two Incentives***. Any subdivision that incorporates these practices shall indicate such inclusion at the Preliminary Plat stage. The reviewing authority shall determine whether any particular project meets the goals set forth herein, taking into account the combination of Sustainable Development Practices proposed; the land use patterns, infrastructure, and transportation patterns of the surrounding area; the zoning of any developed land in the surrounding area; and other such factors as may be relevant to the individual project. Where the reviewing authority determines that the proposal meets the goals set forth herein, the reviewing authority may waive the applicable development standards and grant the bonuses set forth herein.

(1) *Goal 1:* A design that makes an exceptional contribution to the quality of the natural environment.

Examples of designs that may qualify as meeting this goal include but are not limited to the following:

- (A) A commitment to use permeable pavement materials for at least twenty-five percent (25%) of all private driveways, pathways, and parking areas.
- (B) Use of native vegetation, permeable man-made materials, biofiltration swales, rain gardens and other conservation design techniques to convey and filter storm water.
- (C) Use of greywater and/or storm water systems to capture and reuse at least fifty percent (50%) of greywater and storm water for common and public space irrigation.
- (D) A commitment to provide Green Building design elements as outlined in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. Such design elements may include but not be limited to: passive solar design of structures, utilization of recycled and recyclable materials, utilization of photovoltaic roofs or green roofs, or other design elements which maximize energy efficiency and minimize water usage.

(2) *Goal 2:* A commitment to serve, in an exceptional manner, important public policy such as pedestrian-friendly, mixed use development, affordable housing, or reduction in automobile travel. Examples of commitments that may qualify as meeting this goal include but are not limited to the following:

- (A) A commitment to incorporate a mix of residential and nonresidential land uses either within the subdivision or within individual buildings.
- (B) A commitment to allocate at least fifteen percent (15%) of the total number of housing units located in the subdivision as affordable housing. Such affordable housing must be entered into an affordable housing program administered by the local, State, or federal governments.
- (C) Provision of automobile parking at least twenty-five percent (25%) below ~~required minimums~~ **stated**

maximums, coupled with provision to provide bicycle parking at least fifty percent (50%) above required minimums. Fulfillment of this Sustainable Development Practice shall not require a variance from development standards.

(D) A commitment to provide subsidized Bloomington Transit passes or the provision of a private van or shuttle.

(3) *Goal 3*: A location that provides an exceptional opportunity for residents to walk or use public transit in lieu of automobile travel. Examples of locations that may qualify as meeting this goal include but are not limited to the following:

(A) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter ($\frac{1}{4}$) mile of a Bloomington Transit stop provided that the transit facility is accessible using pedestrian facilities.

(B) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter ($\frac{1}{4}$) mile of a Neighborhood, Community, or Regional Activity Center, or Downtown, as mapped in the *Growth Policies Plan*, provided these commercial areas are accessible using pedestrian facilities.

(C) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter ($\frac{1}{4}$) mile of a public school or park, provided these public facilities area accessible using pedestrian facilities. An allocation of acreage for a centrally located common area in compliance with **Section 20.07.090: Facilities Plan Standards** shall count towards fulfillment of this Sustainable Development Practice.

(D) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter ($\frac{1}{4}$) mile of a public multiuse trail facility, provided the development can be connected with pedestrian facilities to the public trail facility.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 19a Plan Commission Amendment #: N/A

Sponsor: Volan Date: 12/1/06

Synopsis

Am 19 would shift the threshold for parking requirements from a minimum figure to a maximum figure. By stating allowable parking in terms of a maximum limit, the intent of this amendment is to accomplish the transportation goals set forth in the City's Growth Policies Plan.

Note: Am 19a differs from Am 19 in that it includes maximum parking limits on non-residential development in the Downtown Overlays Districts. In these districts, any parking shall not exceed fifty percent (50%) of the parking allowed in Exhibit PK-A: Required Maximum Number of Parking Spaces by Land Use.

Action: Not Introduced
Action Date: December 13, 2006

Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~ in the following sections:

1. 20.05.070 PK-01 [Parking Standards; General]

Pages 5-63 -- 5-72 (Draft F) and Pages 5-65 -- 5-74 (Integrated UDO)

20.05.070 PK-01 [Parking Standards; General]

Purpose: To provide adequate on-site parking for developments, minimize any detrimental effects of on-site parking areas on adjacent properties, and ensure the proper and uniform development of parking areas throughout the City. On-site parking and loading spaces for every use shall be provided in accordance with the standards established in this section. Further, parking areas shall be designed to:

- A. Minimize dangerous traffic movements;
- B. Achieve efficient traffic flow in accordance with standards in the Institute of Traffic Engineers (ITE) Transportation & Traffic Engineering Handbook and the Master Thoroughfare Plan; and
- C. Conform to the applicable parking requirements and provide for the optimum number of parking spaces, while maintaining design standards and preserving green space.

This Parking Standards section applies to the following zoning districts:

[RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD] [IG] [BP] [IN] [MD] [QY]

- (a) Number of Parking Spaces Required:

- (1) ~~Minimum~~ **Maximum** Number of Parking Spaces Required:

- (A) Unless specifically stated otherwise in the Unified Development Ordinance, the number of on-site parking spaces shall not exceed the spaces as stated ~~be as specified in Exhibit PK-A: Required~~ **Maximum Number of Parking Spaces by Land Use.**

- ~~(B) In cases where the number of parking spaces is based on gross floor area in Exhibit PK-A: Required~~

~~Number of Parking Spaces by Land Use~~, an applicant may provide Planning staff with a notarized affidavit stating the square footage of the assignable area of the building. When such an affidavit is provided, the number of parking spaces required shall be calculated based on assignable area rather than gross floor area. Space which is designated as non-assignable shall not be used as assignable area without provision of additional required on-site parking for that area.

~~(C)~~ (B) If a use is not clearly noted in *Exhibit PK-A: Required Maximum Number of Parking Spaces by Land Use*, the Planning Director shall determine which land use is most similar to the proposed development, and determine the required maximum number of parking spaces based on that similar use.

(2) *Maximum Number of Parking Spaces*: Unless specifically stated otherwise in the Unified Development Ordinance, additional on-site parking spaces above the minimum required number may be provided based on the following standards:

(A) For sites where fifteen (15) or fewer parking spaces are required by this Ordinance, a maximum of four (4) additional parking spaces above the minimum requirement may be provided.

(B) For sites where sixteen (16) or more parking spaces are required by this Ordinance, additional parking spaces may be provided up to a maximum of fifteen percent (15%) above the minimum requirement.

(C) Single family residences are exempt from the maximum parking requirement.

(3) Upon the approval of the Planning Director, a parking lot may be built with fewer spaces than the required minimum spaces in *Exhibit PK-A: Required Number of Parking Spaces by Land Use* if the following standards are met:

(A) Landbank Area: Adequate space shall be landbanked such that the full number of parking spaces required in *Exhibit PK-A: Required Number of Parking Spaces by Land Use* can be built on-site at a later date, should the need arise.

(i) Parking Design Required: A design shall be presented showing how the full number of parking spaces required in *Exhibit PK-A: Required Number of Parking Spaces by Land Use* would be installed, and how drainage would be handled. This design shall be approved by the planning staff.

(ii) Maximum Reduction: Under no circumstances shall less than fifty percent (50%) of the spaces required by *Exhibit PK-A: Required Number of Parking Spaces by Land Use* be installed.

(B) Mixed Uses: Where a development contains multiple land uses with different peak travel generation, the total required parking spaces may be reduced by the Planning Director. In such instances, parking space reductions shall be determined by utilizing the ITE: Trip Generation standards or similar professional parking or travel demand standards.

(2) ~~(C)~~ Multi-modal Proximity: Where a development is located within one-tenth (0.10) of a mile of a public transit stop or a multiuse trail facility, the ~~minimum~~ maximum parking requirement ~~may~~ shall be reduced by ~~up to a maximum of~~ fifteen percent (15%).

(b) Parking for the Disabled:

(1) Accessible spaces shall be provided per the specifications of the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the Indiana Building Code (IBC).

(2) Each accessible space shall be located adjacent to an access aisle and in proximity to the building entrance most accessible for the disabled.

(3) All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces.

(c) Multifamily Parking: Multifamily developments may utilize garages with individual driveways accessing the street provided that the street being accessed is designated a Secondary Collector or lower by the Master Thoroughfare Plan, or is a private street.

(d) Minimum Dimensions: Parking spaces shall be designed to provide a parking area that is a minimum of nine (9) feet wide by eighteen (18) feet long. Except in the case of single-family detached or attached residential uses, all parking spaces shall be striped to clearly mark each space.

(e) Location:

(1) *Rights-of-way:* On-site parking spaces shall not be located within public rights-of-way.

(2) *Shared Parking Facilities:*

(A) Authorization: The owners of two (2) or more properties may join together to provide the required parking spaces for their respective uses. Upon request by the owners and after review of the request by the Planning Director, the Planning Director may authorize the shared use of parking facilities under the following conditions:

(i) ~~Minimum~~ **Maximum:** In a shared parking arrangement, each property shall provide no more than a minimum of sixty percent (60%) of the maximum individual parking requirements allowance. In no case shall the total combined parking spaces be less than one hundred and twenty percent (120%) of the greater individual parking requirement.

(ii) Proximity: Any property utilizing shared parking facilities shall be located within three hundred (300) feet of such parking facility, using established sidewalks and crosswalks where available.

(B) Shared Parking Agreement: The property owner seeking leased spaces shall provide a recordable zoning commitment to the Planning Department stating that in the case where leased spaces are no longer available, that an adequate parking alternative will be provided.

~~(f) Stacked Parking: Stacked parking spaces shall not be used to fulfill minimum parking space requirements. Single family residences are exempt from this provision.~~

~~(g)~~ (f) Use of Parking Spaces:

(1) *Exclusive Use:* Unless a shared parking agreement has been established in accordance with the requirements of Division (e)(2): Shared Parking Facilities, required on-site parking spaces shall be designed, maintained and used exclusively for the tenants, occupants and customers of the buildings or uses on the site.

~~(2) *Storage of Vehicles or Equipment:* Parking lots and spaces, including both required and excess parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot.~~

(3) *Motor Vehicle Repair:* Motor vehicle repair work in parking areas shall be permitted in residential districts, provided that the vehicle under repair is owned by the occupant of the residential property; the frequency, duration and scope of such use is reasonable and customary as accessory to the residential use; and no business is being conducted in conjunction with such repair use. Motor vehicle repair work in parking areas, including both required and excess parking spaces, shall be prohibited in all other zoning districts.

~~(h)~~ (g) Parking of Nuisance Vehicles:

(1) Vehicles and Trailers: The parking of any vehicle or trailer of any type without current license plates or in an inoperable condition shall be prohibited unless completely enclosed within a building or within an approved salvage/scrap yard.

(2) Storage, Occupancy, or Similar Uses: Vehicles, campers or tractor/trailers of any type shall not be used for the purpose of storage, occupancy, or similar use.

(3) Motor Vehicle Repair: A maximum of three (3) wrecked or inoperable vehicles awaiting repair may be stored on-site at one time. No such vehicle shall be stored on-site in excess of thirty (30) days.

⊕(h) Parking Aisles:

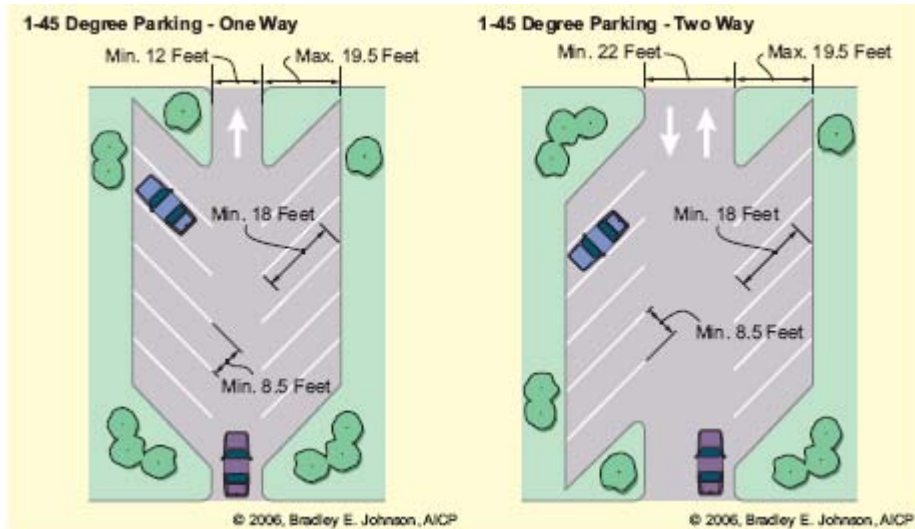
(1) Widths: Parking aisle widths shall be as follows:

(A) Parallel Spaces:

- (i) One-way: 12-foot wide aisle;
- (ii) Two-way: 22-foot wide aisle.

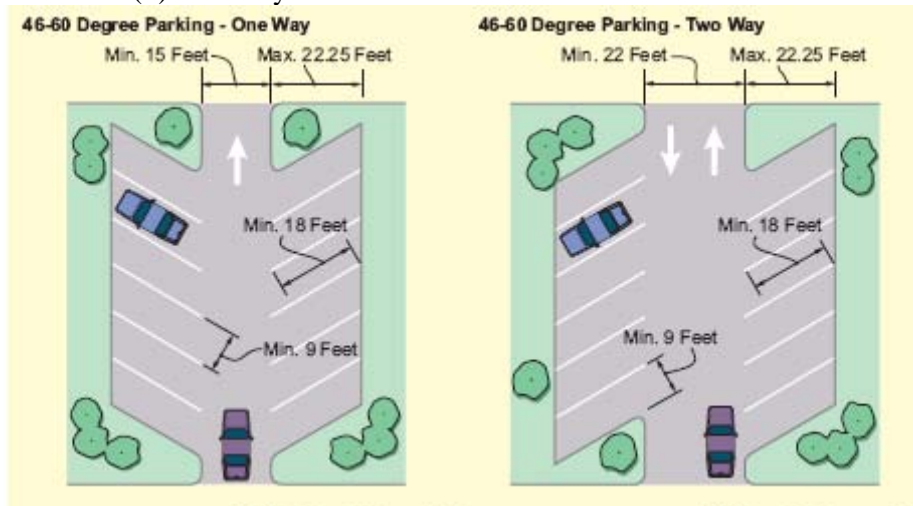
(B) 1-45-degree Angle Space:

- (i) One-way: 12-foot wide aisle;
- (ii) Two-way: 22-foot wide aisle.



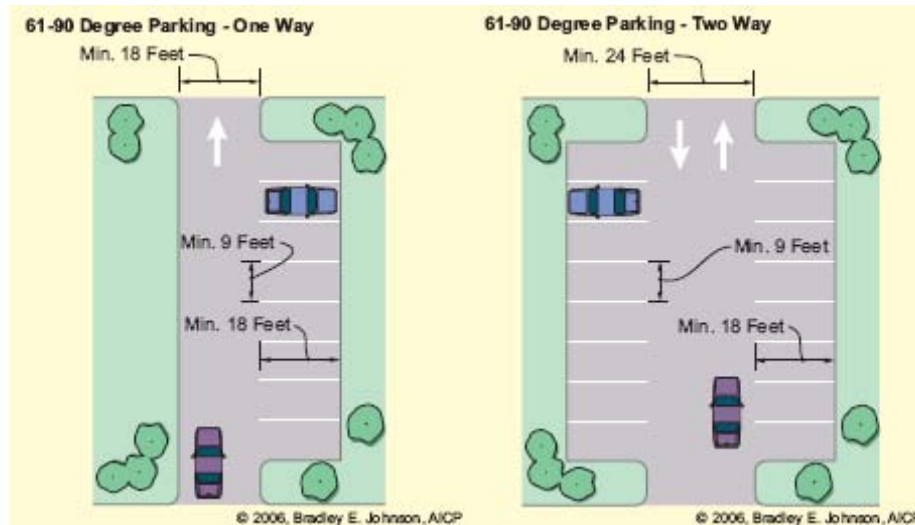
(C) 46-60-degree Angle Space:

- (i) One-way: 15-foot wide aisle;
- (ii) Two-way: 22-foot wide aisle.



(D) 61-90-degree Angle Space:

- (i) One-way: 18-foot wide aisle;
- (ii) Two-way: 24-foot wide aisle.



- (2) All parking aisles shall terminate with a bump-out for turnaround maneuverability.
 - (3) All driving lanes and parking aisles in parking lots shall be clearly striped or shall be curbed.
- (k) Back-out Parking: Unless specifically stated otherwise in the Unified Development Ordinance, all on-site parking areas shall be designed to prevent vehicles from backing onto public streets.
- (l) Back-out Parking Waiver: Back-out parking within the required side or rear setback may be allowed onto adjacent alleys subject to the following standards:
- (1) The lot in question does not exceed 20,000 square feet in area;
 - (2) A maximum of eight (8) back-out parking spaces are permitted per site; and
 - (3) Parking shall directly access an improved alley.
- (m) On-street Parking: The Planning Director may approve the utilization of on-street parking spaces to count toward the provision of the ~~minimum~~ number of spaces ~~required~~ for the development. Such on-street spaces shall be located along the property frontage on the same side of the street as the development requesting their use. In cases where new on-street spaces are being created as a component of the development, the design of such spaces shall meet the standards of the City Engineering Department.
- (n) Storm Water Drainage:
- (1) Parking areas shall be constructed such that all surface water is directed into a storm water drainage system.
 - (2) Water draining from a parking lot shall not flow across a sidewalk.
 - (3) Storm Water Drainage Plans for off-street parking areas shall be reviewed and approved by City Utilities Department.
- (o) Surface Material
- (1) Unless specifically stated otherwise in the Unified Development Ordinance, all areas used for parking shall be asphalt, concrete, or other approved material.
 - (2) The Planning Director may approve other structurally-engineered, permeable parking pavers for hard surface parking surfaces provided the parking area is intended for low intensity or intermittent parking uses and parking pavers are designed and used to mitigate the negative environmental impacts of impervious surfaces.
 - (3) Areas utilizing permeable parking pavers shall not count towards impervious surface calculations.

2. 20.05.075 [Required Number of Parking Spaces by Land Use]

Pages 5-69 ff (Draft F); Pages 5-71 ff (Integrated UDO)

20.05.075 Exhibit PK-A [Required Maximum Number of Parking Spaces by Land Use]

amusements, indoor	1 space per 250 sq. ft. GFA
amusements, outdoor	1 space per 400 sq. ft. of site area accessible to the public
antique sales	1 space per 400 sq. ft. GFA
apparel and shoe sales	1 space per 250 sq. ft. GFA
art gallery	1 space per 300 sq. ft. GFA
arts/craft/hobby store	1 space per 300 sq. ft. GFA
assisted living facility	1 space per employee on the largest shift plus 1 space per 3 residential units
auto body shop	1 space per employee on the largest shift plus 2 spaces per repair bay
auto parts sales	1 space per 300 sq. ft. GFA
bank/credit union	1 space per 250 sq. ft. GFA
banquet hall	1 space per 250 sq. ft. GFA
bar/dance club	1 space per 250 sq. ft. GFA
barber/beauty shop	2 spaces per operator station
bed and breakfast	Per single family standard plus 1 space per guest room
billiard/arcade room	1 space per 250 sq. ft. GFA
boat sales	1 space per 1500 sq. ft. indoor and outdoor display area
Bookstore	1 space per 200 sq. ft. GFA
bottled gas storage/distribution	1 space per employee on the largest shift
bowling alley	3 spaces per bowling lane
Brewpub	1 space per 200 sq. ft. GFA
building supply store	1 space per 500 sq. ft. GFA
building trade shop	1 space per employee on the largest shift
business/professional office	1 space per 300 sq. ft. GFA
car wash, full service	1 space per employee on the largest shift plus 8 stacking spaces per washing bay
car wash, self service	4 stacking spaces per washing bay
cellular phone/pager services	1 space per 250 sq. ft. GFA
cemetery/mausoleum	1 space per 50 grave sites
check cashing	1 space per 300 sq. ft. GFA
coin laundry	1 space per 3 washing machines
communication facility	1 space
Community center	1 space per 300 sq. ft. GFA
computer sales	1 space per 300 sq. ft. GFA
convenience store (with gas pumps)	1 space per employee on the largest shift plus 1 spaces per double-sided pump; 1 space per 3 restaurant seats; 1 space per 1000 sq. ft. GFA of convenience store space
convenience store (without gas pumps)	1 space per employee on the largest shift plus 1 space per 3 restaurant seats and 1 space per 500 sq. ft. GFA of convenience store space
copy center	1 space per 300 sq. ft. GFA

country club	3 spaces per golf hole plus 1 space per 300 sq. ft. GFA customer seating area in an accessory restaurant or bar use
Crematory	1 space per employee on the largest shift plus 3 visitor spaces
day-care center, adult/child	1 space per 4 persons of licensed capacity
day-care home, adult/child	Per single family standard
department store	1 space per 200 sq. ft. GFA
distribution facility	1 space per employee on the largest shift
drive-through	5 stacking spaces per drive-through window
drugstore	1 space per 250 sq. ft. GFA

20.05.075 Exhibit PK-A [Required Maximum Number of Parking Spaces by Land Use] (continued)

dry-cleaning service	1 space per employee on the largest shift plus 1 space per 300 sq. ft. accessible to the public
dwelling, mobile home	2 spaces per dwelling unit
dwelling, multifamily	1 space per bedroom
dwelling, single- family	2 spaces per dwelling unit
equipment/party/event rental (indoor)	1 space per 500 sq. ft of building space
equipment/party/event rental (outdoor)	1 space per 500 sq. ft of building space, plus 1 space per 3,000 sq. ft. of outdoor storage
fitness center/gym	1 space per 300 sq. ft. GFA
fitness/training studio	1 space per 400 sq. ft. GFA
flower shop	1 space per 300 sq. ft. GFA
food production/processing	1 space per employee on the largest shift
fraternity house/sorority house	0.8 spaces per bedroom
furniture store	1 space per 500 sq. ft. GFA
garden shop	1 space per 400 sq. ft. GFA
gift shop/boutique	1 space per 400 sq. ft. GFA
golf course	2 spaces per golf hole
golf driving range, outdoor	1 space per tee box
government office	1 space per 300 sq. ft. GFA
government operations (non-office)	1 space per employee on the largest shift
gravel/sand/cement production	1 space per employee on the largest shift
grocery/supermarket	1 space per 200 sq. ft. GFA
group care home for dev. disabled/mentally ill	1 space per employee
group/residential care home	1 space/employee on the largest shift + 1 space per 6 persons max occupancy
hardware store	1 space per 300 sq. ft. GFA
health spa	2 spaces per spa suite
heavy equipment sales/rental	1 space per 2000 sq. ft. indoor and outdoor display area
home electronics/appliance sales	1 space per 250 sq. ft GFA
homeless shelter	1 space per employee on the largest shift plus 1 space per 30 beds
Hospital	1.5 spaces per bed
hotel/motel	1 space per lodging unit
impound vehicle storage	1 space per employee on the largest shift
Jail	1 space per employee on the largest shift plus 1 visitor space per 8 cells
jewelry store	1 space per 300 sq. ft. GFA
Salvage/scrap yard	1 space per employee on the largest shift
juvenile detention facility	1 space per employee on the largest shift plus 1 visitor space per 10 beds
Kennel	1 space per employee on the largest shift, plus 1 space per 500 sq. ft. GFA
Library	1 space per 500 sq. ft. GFA
license branch	1 space per 300 sq. ft. GFA
liquor and tobacco sales	1 space per 250 sq. ft. GFA
Lodge	1 space per 250 sq. ft. GFA
manufactured home park	2 spaces per unit plus 1 visitor space per 2 units
manufactured housing sales	1 space per 2000 sq. ft. indoor and outdoor display area

manufacturing, heavy/light	1 space per employee on largest shift
medical care clinic, immediate	1 space per 300 sq. ft. GFA
medical clinic	1 space per 300 sq. ft. GFA
miniature golf	1 space per golf hole

20.05.075 Exhibit PK-A [Required Maximum Number of Parking Spaces by Land Use] (continued)

mini-warehouse facility	1 space per employee on largest shift plus 1 space per 25 storage units
Mortuary	1 space per 4 chapel or parlor seats
multi-tenant nonresidential center less than 100,000 sq. ft. GFA 100,000 sq. ft. GFA or greater	1 space per 250 sq. ft. GFA 1 space per 300 sq. ft. GFA
Museum	1 space per 300 sq. ft. GFA
musical instrument sales	1 space per 250 sq. ft. GFA
music/media	sales 1 space per 250 sq. ft. GFA
nursing/convalescent home	1 space per employee on the largest shift plus 1 space per 4 person maximum occupancy
office supply sales	1 space per 250 sq. ft. GFA
oil change facility	1 space per employee on the largest shift plus 2 stacking spaces per bay
orchard/tree farm	0.75 spaces per employee on the largest shift plus 1 space per 500 sq. ft. GFA of retail sales
outdoor storage	3 to 5 parking spaces
outpatient care facility	1 space per 250 sq. ft. GFA
Park	5 spaces per acre
pawn shop	1 space per 300 sq. ft. GFA
pet grooming	1 space per 400 sq. ft. GFA
pet store	1 space per 250 sq. ft. GFA
photographic studio	1 space per 400 sq. ft. GFA
place of worship	1 space per 4 fixed seats or 1 space per 50 square feet of seating area in sanctuary, whichever results in the greater number of spaces
plant nursery/greenhouse	0.75 spaces per employee on the largest shift plus 1 space per 500 sq. ft. GFA of retail sales
police, fire or rescue station	1 space per employee on the largest shift post office 1 space per employee on the largest shift plus 1 per 200 sq. ft. GFA accessible to the public
print shop	1 space per employee on the largest shift
Prison	1 space per employee on the largest shift plus 1 visitor space per 15 cells
Quarry	1 space per employee on the largest shift
radio/TV station	1 space per employee on the largest shift plus 1 visitor space per 3 employees
recreation center	1 space per 250 sq. ft. GFA
rehabilitation clinic	1 space per employee on the largest shift plus 1 space per 2 client capacity
research center	1 space per employee on the largest shift plus 1 visitor space per 10 employees
restaurant under 5,000 sq. ft. GFA: 5,000 sq. ft. GFA or greater	1 space per 200 sq. ft. GFA 1 space per 100 sq. ft. GFA
restaurant, limited service	1 space per 300 sq. ft. GFA customer seating area
retail, low intensity	1 space per 300 sq. ft. GFA
rooming house	2 spaces plus 1 space for each room for rent
school, business/trade	1 space per employee plus 1 space per two students maximum capacity
school, college/university	1 space per two employees plus 1 space per 4 students maximum capacity
school, preschool	1 space per employee plus 1.5 spaces per classroom

20.05.075 Exhibit PK-A [Required Maximum Number of Parking Spaces by Land Use] (continued)

school, primary/secondary	1 space per employee plus 1 space per 10 students maximum capacity
sexually oriented business	1 space per 200 sq. ft. GFA
shoe repair	1 space per 400 sq. ft. GFA
skating rink	1 space per 200 sq. ft. GFA
social services	1 space per 250 sq. ft. GFA
sporting goods sales	1 space per 250 sq. ft. GFA
stone processing	1 space per employee on the largest shift
storage tanks	1 space per employee on the largest shift
tailor/seamstress shop	1 space per 400 sq. ft. GFA
tanning salon	1 space per 250 sq. ft. GFA
tattoo/piercing parlor	1 space per 300 sq. ft. GFA
testing lab	1 space per employee on the largest shift plus 1 visitor space per 10 employees
theater, drive-in	1 space per vehicle maximum capacity
theater, indoor	1 space per 4 seats
tool and dye shop	1 space per employee on the largest shift
transportation terminal	1 space per employee on largest shift plus 1 space per 400 sq. ft. GFA
utility substation and transmission facility	2 spaces
vehicle accessory installation	1 space per employee on the largest shift plus 2 spaces per bay
vehicle repair	1 space per employee on the largest shift plus 2 spaces per bay
vehicle sales/rental	1 space per 1,000 sq. ft. GFA indoor display area
veterinary clinic	1 space per 300 sq. ft. GFA
video rental	1 space per 200 sq. ft. GFA
Warehouse	1 space per employee on the largest shift
Welding	1 space per employee on the largest shift

**3. 20.05.074 PK-05 [Parking Standards; Commercial Downtown]
Page 5-68 (Draft F); Page 5-70 (Integrated UDO)**

20.05.074 PK-05 [Parking Standards; Commercial Downtown]

This Parking Standards section applies to the following zoning districts:

[CD]

(a) ~~Minimum~~ ~~Maximum~~ Number of Parking Spaces Required: ~~Minimum~~ ~~Maximum~~ parking requirements for all uses shall be as defined in the applicable Overlay District in Chapter 20.03: Overlay Districts.

(b) Surface Material:

- (1) Parking spaces shall utilize a dustless, hard surface of concrete, asphalt, or comparable materials.
- (2) Under no circumstances shall crushed stone, stone, rock, dirt, sand, or grass be permitted as a parking surface.
- (3) All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

(c) Back-out Parking Waiver: Back-out parking within the required side or rear setback may be allowed onto adjacent alleys subject to the following standards:

- (1) The lot in question does not exceed 20,000 square feet in area;
- (2) A maximum of eight (8) back-out parking spaces are permitted per site; and
- (3) Parking shall directly access an improved alley.

**4. Courthouse Square Overlay (CSO) District
20.03.050 Development Standards
Page 3-5 (Draft F and Integrated UDO)**

20.03.050 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density*: 100 bedrooms/acre.
- (2) *Maximum Impervious Surface Coverage*: 100%.

(b) Height Standards:

- (1) *General*:
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 55 feet.
- (2) *Buildings located on the Courthouse Square*:
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 40 feet.

(c) Parking Standards:

- (1) *Minimum Surface Parking Setback*:
 - (A) Front Yard: 20 feet behind primary structure's front building wall.
 - (B) Side Yard: 0 feet.
 - (C) Rear Yard: 0 feet.
- (2) *Residential Parking Standards*:
 - (A) No parking required.
 - (B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall

be provided.

(3) *Nonresidential Parking Standards:*

(A) No parking spaces required.

(B) Where parking is provided, the total number of parking spaces shall not exceed fifty percent (50%) of the parking allowed in *Exhibit PK-A: Required Maximum Number of Parking Spaces by Land Use*.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:

(1) *Build-to Line:* 0 feet.

(2) *Maximum Front Setback:* n/a.

(3) *Minimum Side Setback:* 0 feet; additional setback may be required per local building code.

(4) *Minimum Rear Setback:* 0 feet; additional setback may be required per local building code.

5. **Downtown Core Overlay (DCO) District**

20.03.110 Development Standards

Page 3-11 (Draft F) and Pages 3-9 (Integrated UDO)

20.03.120 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density:* 180 bedrooms/Acre.

(2) *Maximum Impervious Surface Coverage:* 100%.

(b) Height Standards:

(1) *Minimum Structure Height:* 35 feet

(2) *Maximum Structure Height:* 60 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

(A) Front Yard: 20 feet behind primary structure's front building wall.

(B) Side Yard: 5 feet.

(C) Rear Yard: 5 feet.

(2) *Residential Parking Standards:*

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~

~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

~~(D) For developments located south of 4th Street, no parking shall be required.~~

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(3) *Nonresidential Parking Standards:*

(A) No parking spaces required.

(B) Where parking is provided, the total number of parking spaces shall not exceed fifty percent

(50%) of the parking allowed in *Exhibit PK-A: Required Maximum Number of Parking Spaces by Land Use*.

- (d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:
- (1) *Build-to Line*: 0 feet.
 - (2) *Maximum Front Setback*: n/a.
 - (3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code.
 - (4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

6. University Village Overlay (UVO) District
20.03.190 Development Standards
Page 3-17 (Draft F); Page 3-14 (Integrated UDO)

20.03.190 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density*: 100 bedrooms/Acre.
- (2) *Maximum Impervious Surface Coverage*:
 - (A) General: 85%;
 - (B) Kirkwood Corridor: 100%.

(b) Height Standards:

- (1) *General*:
 - (A) Minimum Structure Height: 25 feet
 - (B) Maximum Structure Height: 55 feet
- (2) *Restaurant Row Corridor*:
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 40 feet.

(c) Parking Standards:

(1) *Minimum Surface Parking Setback*:

(A) General:

- (i) Front Yard: 20 feet behind primary structure's front building wall;
- (ii) Side Yard: 5 feet;
- (iii) Rear Yard: 5 feet.

(B) Kirkwood Corridor:

- (i) Front Yard: 20 feet behind primary structure's front building wall;
- (ii) Side Yard: 0 feet;
- (iii) Rear Yard: 0 feet.

(2) *Residential Parking Standards*:

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~—(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking space per bedroom shall be provided.~~

~~—(C) For any bedrooms above twenty (20), eight tenths (0.8) parking space per bedroom shall be provided.~~

~~—(A) No parking required.~~

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(3) *Nonresidential Parking Standards:*

(A) No parking spaces required.

(B) Where parking is provided, the total number of parking spaces shall not exceed fifty percent (50%) of the parking allowed in *Exhibit PK-A: Required Maximum Number of Parking Spaces by Land Use*.

(d) Building Setback Standards:

(1) *Build-to Line:* n/a;

(2) *Maximum Front Setback:* 15 feet from the existing public right-of-way;

(3) *Minimum Side Setback:* 0 feet; additional setback may be required per local building code;

(4) *Minimum Rear Setback:* 0 feet; additional setback may be required per local building code.

7. Downtown Edges Overlay (DEO) District

20.03.260 Development Standards

Page 3-23 (Draft F); Page 3-19 (Integrated UDO)

20.03.260 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density:* 60 bedrooms/acre.

(2) *Maximum Impervious Surface Coverage:* 70%.

(b) Height Standards:

(1) *Minimum Structure Height:* 25 feet

(2) *Maximum Structure Height:* 35 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

(A) Front Yard: 20 feet behind primary structure's front building wall;

(B) Side Yard: 7 feet;

(C) Rear Yard: 7 feet.

(2) *Residential Parking Standards:* ~~0.8 spaces per bedroom.~~

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(3) *Nonresidential Parking Standards:* ~~Fifty percent (50%) of the minimum parking required~~

~~Chapter 20.05; §PK: Parking Standards.~~

(A) No parking required.

(B) Where parking is provided, the total number of parking spaces shall not exceed fifty percent (50%) of the parking allowed in *Exhibit PK-A: Required Maximum Number of Parking Spaces by Land Use*.

(d) Building Setback Standards:

- (1) *Build-to Line*: n/a;
- (2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;
- (3) *Minimum Side Setback*: 7 feet;
- (4) *Minimum Rear Setback*: 10 feet.

8. Downtown Gateway Overlay (DGO) District
20.03.330 Development Standards
Page 3-27 (Draft F); Page 3-23 (Integrated UDO)

20.03.330 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density*: 100 bedrooms/Acre.
- (2) *Maximum Impervious Surface Coverage*: 75%.

(b) Height Standards:

- (1) *Minimum Structure Height*: 25 feet
- (2) *Maximum Structure Height*: 50 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

- (A) Front Yard: 20 feet behind primary structure's front building wall.
- (B) Side Yard: 5 feet.
- (C) Rear Yard: 5 feet.

(2) *Residential Parking Standards:*

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~

~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(3) *Nonresidential Parking Standards*: ~~Seventy-five percent (75%) of the minimum parking required in **Chapter 20.05; §PK: Parking Standards.**~~

(A) No parking required.

(B) Where parking is provided, the total number of parking spaces shall not exceed fifty percent (50%) of the parking allowed in ***Exhibit PK-A: Required Maximum Number of Parking Spaces by Land Use.***

(d) Building Setback Standards:

- (1) *Build-to Line*: n/a;
- (2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;
- (3) *Minimum Side Setback*: 5 feet;
- (4) *Minimum Rear Setback*: 5 feet.

**9. Showers Technology Park Overlay (STPO) District
20.03.400 Development Standards
Page 3-31 (Draft F); Page 3-27 (Integrated UDO)**

20.03.400 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density:* 45 bedrooms/Acre
- (2) *Maximum Impervious Surface Coverage:* 75%

(b) Height Standards:

- (1) *Minimum Structure Height:* 25 feet.
- (2) *Maximum Structure Height:* 55 feet.

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

- (A) Front Yard: 20 feet behind primary structure's front building wall
- (B) Side Yard: 7 feet
- (C) Rear Yard: 7 feet

(2) *Residential Parking Standards:*

- ~~(A) For the first ten (10) bedrooms, no parking shall be required.~~
- ~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~
- ~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~
- (A) No parking required.
- (B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(3) *Nonresidential Parking Standards:*

- ~~(A) Commercial Retail: No parking required;~~
- ~~(B) Other Nonresidential Uses: Seventy five percent (75%) of the minimum maximum parking required in **Chapter 20.05; §PK: Parking Standards.**~~
- (A) No parking required.
- (B) Where parking is provided, the total number of parking spaces shall not exceed fifty percent (50%) of the parking allowed in **Exhibit PK-A: Required Maximum Number of Parking Spaces by Land Use.**

**10. 20.07.200 SD-01 [Sustainable Development Incentives; General]
Page 7-22 (Draft F); Page 7-23 (Integrated UDO)**

20.07.200 SD-01 [Sustainable Development Incentives; General]

Purpose: The Growth Policies Plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. As a result, incentives are being provided to encourage the use of sustainable development practices throughout the planning jurisdiction. Implementation of these practices will help to make Bloomington a more sustainable community.

This Sustainable Development Incentives section applies to the following types of development:
[CV] [CS] [TD] [CI]

- (a) Sustainable Development Practices: The following Sustainable Development Practices may be incorporated into a subdivision in order to achieve development standards bonuses as provided in **Subsection (b): Level One Incentives** and **Subsection (c): Level Two Incentives**. Any subdivision that incorporates these practices shall indicate such inclusion at the Preliminary Plat stage. The reviewing authority shall determine whether any particular project meets the goals set forth herein, taking into account the combination of Sustainable Development Practices proposed; the land use patterns, infrastructure, and transportation patterns of the surrounding area; the zoning of any developed land in the surrounding area; and other such factors as may be relevant to the individual project. Where the reviewing authority determines that the proposal meets the goals set forth herein, the reviewing authority may waive the applicable development standards and grant the bonuses set forth herein.
- (1) *Goal 1*: A design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:
- (A) A commitment to use permeable pavement materials for at least twenty-five percent (25%) of all private driveways, pathways, and parking areas.
 - (B) Use of native vegetation, permeable man-made materials, biofiltration swales, rain gardens and other conservation design techniques to convey and filter storm water.
 - (C) Use of greywater and/or storm water systems to capture and reuse at least fifty percent (50%) of greywater and storm water for common and public space irrigation.
 - (D) A commitment to provide Green Building design elements as outlined in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. Such design elements may include but not be limited to: passive solar design of structures, utilization of recycled and recyclable materials, utilization of photovoltaic roofs or green roofs, or other design elements which maximize energy efficiency and minimize water usage.
- (2) *Goal 2*: A commitment to serve, in an exceptional manner, important public policy such as pedestrian-friendly, mixed use development, affordable housing, or reduction in automobile travel. Examples of commitments that may qualify as meeting this goal include but are not limited to the following:
- (A) A commitment to incorporate a mix of residential and nonresidential land uses either within the subdivision or within individual buildings.
 - (B) A commitment to allocate at least fifteen percent (15%) of the total number of housing units located in the subdivision as affordable housing. Such affordable housing must be entered into an affordable housing program administered by the local, State, or federal governments.
 - (C) Provision of automobile parking at least twenty-five percent (25%) below ~~required minimums~~ **stated maximums**, coupled with provision to provide bicycle parking at least fifty percent (50%) above required minimums. Fulfillment of this Sustainable Development Practice shall not require a variance from development standards.
 - (D) A commitment to provide subsidized Bloomington Transit passes or the provision of a private van or shuttle.
- (3) *Goal 3*: A location that provides an exceptional opportunity for residents to walk or use public transit in lieu of automobile travel. Examples of locations that may qualify as meeting this goal include but are not limited to the following:
- (A) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter ($\frac{1}{4}$) mile of a Bloomington Transit stop provided that the transit facility is accessible using pedestrian facilities.
 - (B) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter ($\frac{1}{4}$) mile of a Neighborhood, Community, or Regional Activity Center, or Downtown, as mapped in the *Growth Policies Plan*, provided these commercial areas are accessible using pedestrian facilities.
 - (C) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter ($\frac{1}{4}$) mile of a public school or park, provided these public facilities area accessible using pedestrian facilities. An allocation of acreage for a centrally located common area in compliance with **Section 20.07.090: Facilities Plan Standards** shall count towards fulfillment of this Sustainable Development Practice.

- (D) Location of fifty percent (50%) of the proposed subdivision lots within one-quarter (¼) mile of a public multiuse trail facility, provided the development can be connected with pedestrian facilities to the public trail facility.

**11. 20.05.050 GD-01 [Green Development Incentives; General]
Page 5-38 (Draft F); Page 5-40 (Integrated UDO)**

20.05.050 GD-01 [Green Development Incentives; General]

Purpose: The Growth Policies Plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. As a result, incentives are being provided to encourage the use of sustainable development practices throughout the planning jurisdiction. Implementation of these practices will help to make Bloomington a more sustainable community.

This Sustainable Development Incentives section applies to the following zoning districts:

[RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD]] [IG] [BP] [IN] [MD] [QY]

- (a) Sustainable Development Practices: The following Sustainable Development Practices may be incorporated into a development in order to achieve development standards bonuses as provided in **Subsection (b): Level One Incentives** and Subsection (c): Level Two Incentives. Any development that incorporates these practices shall indicate such inclusion at the Site Plan review stage. The reviewing authority shall determine whether any particular project meets the goals set forth herein, taking into account the combination of Sustainable Development Practices proposed; the land use patterns, infrastructure, and transportation patterns of the surrounding area; the zoning of any developed land in the surrounding area; and other such factors as may be relevant to the individual project. Where the reviewing authority determines that the proposal meets the goals set forth herein, the reviewing authority may waive the applicable development standards and grant the bonuses set forth herein.

- (1) *Goal 1:* A design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:
- (A) Use of permeable pavement materials for at least twenty-five percent (25%) of all private driveways, pathways, and parking areas.
 - (B) Use of native vegetation, permeable man-made materials, biofiltration swales, rain gardens and other conservation design techniques to convey and filter storm water.
 - (C) Use of greywater and/or storm water systems to capture and reuse at least fifty percent (50%) of greywater and storm water for common and public space irrigation.
 - (D) Use of Green Building design elements as outlined in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. Such design elements may include but not be limited to: passive solar design of structures, utilization of recycled and recyclable materials, utilization of photovoltaic roofs or green roofs, or other design elements which maximize energy efficiency and minimize water usage.
- (2) *Goal 2:* A commitment to serve, in an exceptional manner, important public policy such as pedestrian-friendly, mixed use development, affordable housing, or reduction in automobile travel. Examples of commitments that may qualify as meeting this goal include but are not limited to the following:
- (A) Incorporation of a mix of residential and nonresidential land uses either within the development or within individual buildings.
 - (B) Allocation of at least fifteen percent (15%) of the total number of housing units located in the development as affordable housing. Such affordable housing must be entered into an affordable housing program administered by the local, State, or federal governments.
 - (C) Provision of automobile parking at least twenty-five percent (25%) below required ~~minimums~~ **maximums**, coupled with provision of bicycle parking at least fifty percent (50%) above required minimums. Fulfillment of this Sustainable Development Practice shall not require a variance from development standards.
 - (D) Provision of subsidized Bloomington Transit passes or provision of a private van or shuttle.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 20 Plan Commission Amendment #: 66a

Sponsor: Volan Date: 12/1/06

Synopsis

This amendment restores the minimum separation requirement between projecting signs in the Commercial Downtown to fifty feet. Plan Commission Amendment 66a increased the requirement to 100 feet. Restoring the requirement to the originally-recommended fifty feet is intended to allow every retail business with narrow street frontage to erect a projecting sign regardless of the mere existence of projecting signs on neighboring businesses.

Action:	Adopt	3 (Ruff, Volan & Wisler) – 6	Defeated
Action Date:	December 14, 2006		
Action:	Not Moved for Reconsideration		
Action Date:	December 20, 2006		

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. 20.05.085(a)(4)(C)

Page 5-84 (Draft F) and Pages 5-87 (Integrated UDO)

20.05.085 SI-07 [Sign Standards; Commercial Downtown]

This Commercial Sign Standards section applies to the following zoning districts:

[CD]

- (a) Wall Signs: The following standards apply to wall signs for individual uses and tenants within a multi-tenant center:
 - (1) *Allotment*:
 - (A) Individual Nonresidential Uses: The cumulative square footage of all wall signs shall not exceed one and one-half (1.5) square foot per lineal feet of primary structure that faces a public or private street.
 - (B) Multi-tenant Nonresidential Centers:
 - (i) First Story: The cumulative area of all wall signs for an individual tenant shall not exceed one and one-half (1.5) square feet per lineal foot of the tenant's façade width for locations on the first floor.
 - (ii) Upper Story Retail Uses: Retail uses located above the first story shall be permitted a wall sign allotment equal to fifty percent (50%) of the total allotment permitted for first story uses as provided in Clause (i): First Story above.
 - (iii) Upper Story Office Uses: Tenants without first story street frontage shall be permitted to display a maximum of four (4) square feet of signage at the exterior entrance with the property owner's permission.
 - (C) Limits: No property shall be limited to less than twenty (20) square feet of wall signage and no use or tenant shall exceed one hundred (100) square feet of wall signage.
 - (2) *Location*: Wall signs for individual tenants within a multi-tenant nonresidential center shall be located on the tenants lease space, except as regulated in Clause (a)(1)(B)(ii): Upper Story Retail Uses above.

- (3) *Maximum Projection*: No part of a wall sign, other than a projecting sign or awning sign, shall project more than twelve (12) inches from the wall or face of the building to which it is attached.
- (4) *Projecting Signs*: The following standards apply to projecting signs:
 - (A) *Maximum Projection*: No part of a projecting sign shall protrude more than thirty-six (36) inches from the wall or face of the building to which it is attached. Support structures between the building and the sign only shall be counted towards this allowance.
 - (B) *Location*: Projecting signs shall be located adjacent to the tenant's lease space. Projecting signs shall not extend into a public right-of-way unless approved by the Board of Public Works.
 - (C) *Separation*: A minimum separation of ~~one hundred fifty (150)~~ (50) feet shall be provided between all projecting signs on the same building facade street frontage.
 - (D) *Number*: A maximum of one (1) projecting sign is permitted per tenant per street frontage.
 - (E) *Area*: Projecting signs shall be limited to a maximum of twenty (20) square feet in area.
 - (F) *Allotment*: Projecting sign areas shall count towards overall wall sign allotment.
 - (G) *Prohibited Location*: No projecting signs shall be located on buildings located within the Courthouse Square Overlay district.
 - (H) *Wind Loadings*: The applicant for a projecting sign shall provide information verifying that the building facade containing the projecting sign can tolerate wind loadings.
 - (I) Any property that utilizes a freestanding sign shall be prohibited from utilizing a projecting sign.
- (b) Freestanding Signs: The following standards apply to permanent freestanding signs.
 - (1) *Setback*: No freestanding sign shall be allowed unless the primary structure on a lot is set back from the public right of way by a minimum of fifteen (15) feet.
 - (2) *Number*: Lots with thirty (30) feet or less of public street frontage are not permitted any freestanding signs. Properties with more than thirty (30) feet of public street frontage on a single street are permitted a maximum of one (1) freestanding sign
 - (3) *Sign Area*: Freestanding signs shall not exceed fifteen (15) square feet in area per side.
 - (4) *Height*: Freestanding signs shall not exceed four (4) feet in height.
 - (5) *Lighting*: Internally-illuminated signs are prohibited.
 - (6) *Changeable Copy*: Changeable copy shall be prohibited as part of a freestanding sign.

1. Change the term “alternative transportation” to “traditional transportation” wherever it appears in the Unified Development Ordinance.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 25 (Map Amendment) Plan Commission Amendment #: N/A

Sponsor: Volan

Date: 12/07/06

Synopsis

This amendment would revise the zoning map for a portion of the Old Northeast Neighborhood bounded by East 10th Street to the north, Woodlawn Avenue to the east, East 7th Street to the south, and Indiana Avenue to the west. The amendment would change proposed RM (Residential Multifamily) zoning to RC (Residential Core) zoning for four separate areas within the neighborhood.

This amendment was requested to be brought forward by Council members after testimony from Doug Horn, representing the Old Northeast Neighborhood Association. The impetus behind the amendment is concern for the stability of privately owned housing stock in close proximity of the Indiana University Campus. As shown in the attached map exhibit, there is substantial Indiana University ownership in this area, and there is concern that remaining housing stock might be lost unless zoning is changed to single family in nature (Residential Core). The purpose of the map amendment request is to protect and enhance home ownership in this area.

Action: Adopt 4 (Volan, Rollo, Sturbaum & Ruff)
2 (Wisler & Gaal) (Absent Diekhoff, Mayer and Sabbagh)
Defeated

Action Date: December 11, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

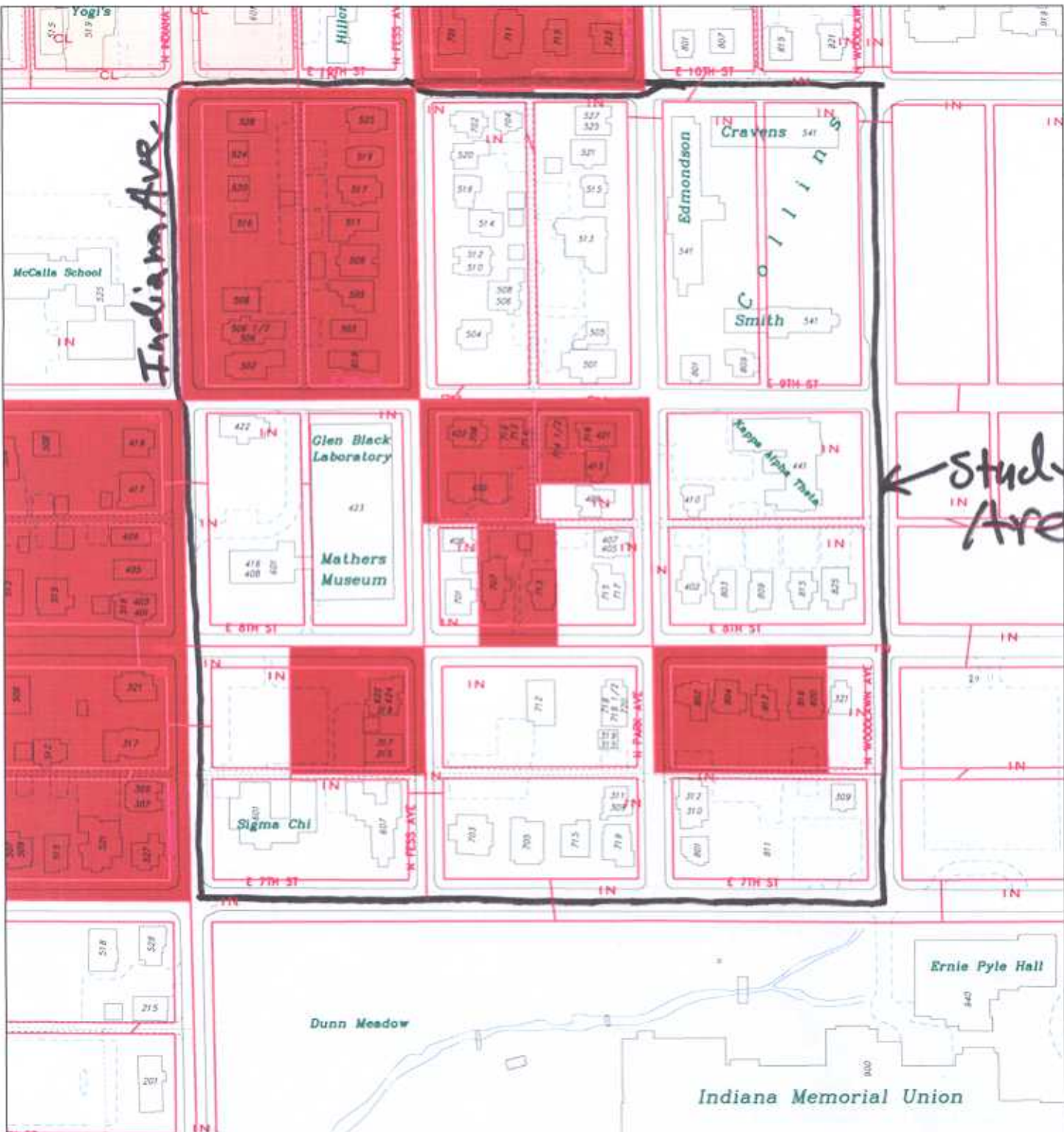
1. **Zoning Map Amendment -- Old Northeast Neighborhood bounded by East 10th to the north, Woodlawn Ave. to the east, E. 7th to the south and Indiana Ave. to the west**



This amendment changes the zoning map for a portion of the Old Northeast Neighborhood bounded by East 10th Street to the north, Woodlawn Avenue to the east, East 7th Street to the south, and Indiana Avenue to the west. The amendment would change proposed RM (Residential Multifamily) zoning to RC (Residential Core) zoning for four separate areas within the neighborhood. *Please refer to the attached map depicting the changes.*

Planning Staff Map Analysis: During the Council meeting of December 4, Planning staff advised the Council that the subject area for the amendment should be analyzed for the following components: 1) ownership patterns, 2) presence of rental units, and 3) presence of multi-unit structures and general occupancy patterns. The attached map provides information concerning all these components.

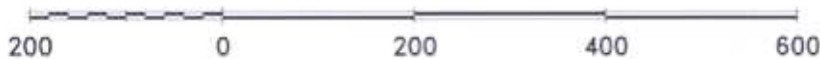
- 1) Ownership Patterns – As anticipated, the ownership in this area is split between the private sector and Indiana University. The University is the dominant property owner, owning approximately 42 of the 78 structures in the overall study area. In the four areas specifically proposed for RM zoning and subject to the amendment, Planning staff has done a good job separating privately owned properties from Indiana University properties. Only in the northwest portion of the study area (around 10th and Indian Avenue) is there much of a mix between the two ownership entities.
- 2) Presence of Rental Units – For properties held in private ownership, registered rentals are the overwhelming use. There are only two properties that have owner-occupied status: 704 East 10th Street and 514 North Fess Avenue. From a land utilization perspective, this would be one reason to maintain the RM zoning proposed by staff.
- 3) Presence of Multi-unit Structures – In the southwest area proposed for RM zoning, both properties contain multi-unit structures. In the southeast area, there are two multi-unit structures and two single unit structures. Both of the single unit structures contain more than three unrelated adults. In the central area, all structures are multi-unit in nature. For the northwest area, the privately held properties are divided up into five multi-unit structures and five single unit structures. Once again, the single unit structures contain multifamily type occupancies.

Planning Staff Conclusion: Staff recommends against the proposed amendment due to the presence of non single-family housing patterns. If Council ultimately ends up supporting a change in zoning from RM to RC, staff would recommend that this zoning change only be done for the southeast and northwest portions of the study area where single unit structures more commonly exist. In that case, Planning would still be required to notify affected property owners and allow them to grandfather their rental properties for multifamily occupancy.



-  - Proposed RM Zoning District
-  - Institutional Zoning District

By: whiter
30 Nov 06

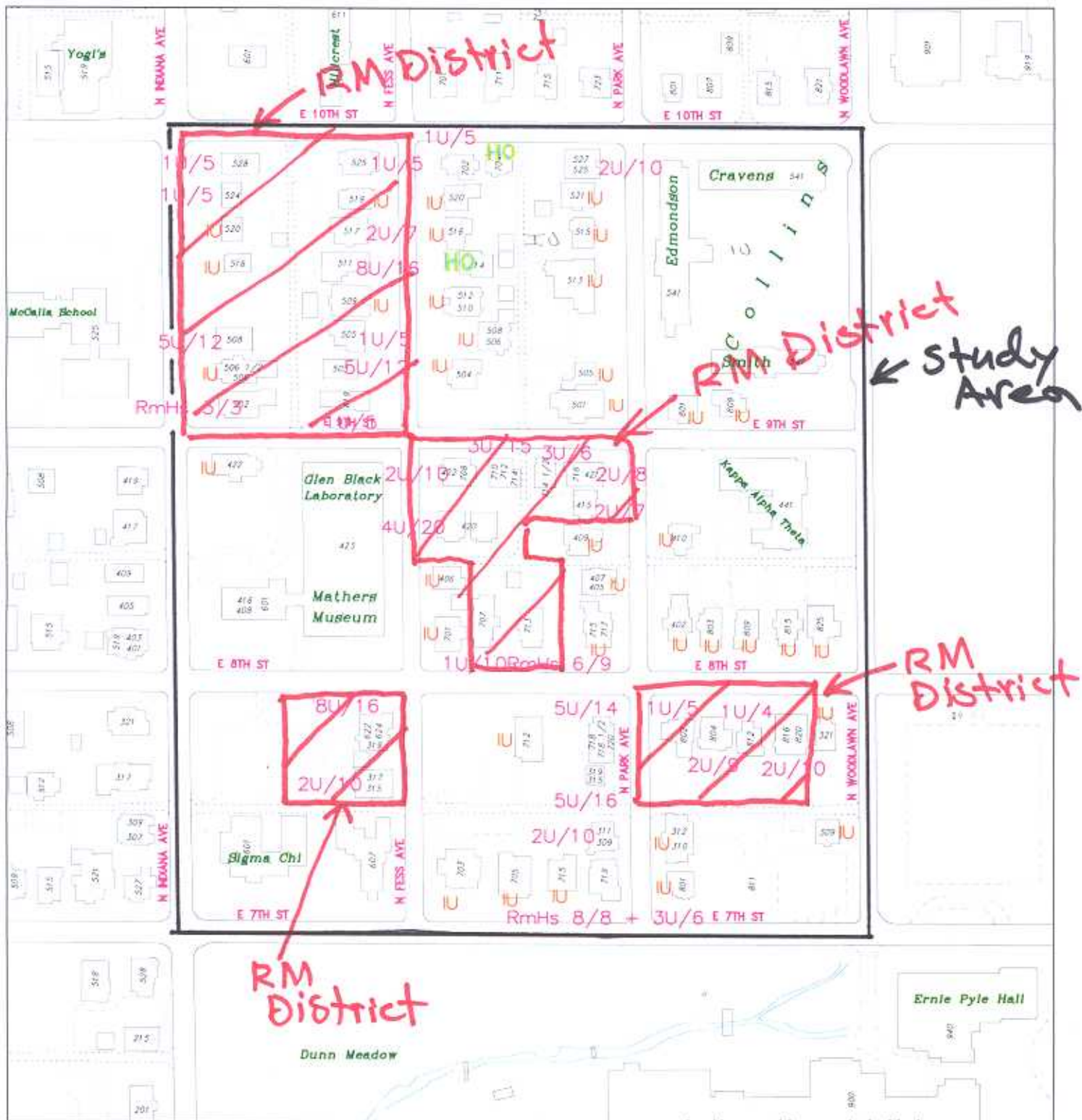


City of Bloomington
Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.



- IU** - Property Owned by I. U.
- HO** - Homeowner Occupied
- U/#** - Number of units in a structure / maximum # of occupants allowed in the structure

By: darland
30 Nov 06

200 0 200 400 600



City of Bloomington
Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 28 Plan Commission Amendment #: UDO-011 and UDO-019

Sponsor: Sabbagh Date: 12/07/06

Synopsis

This amendment removes all setback requirements along the B-Line Trail. Amendments UDO-011 and UDO-019 as adopted by the Plan Commission allow a maximum of seventy percent of the building façade facing the trail to be built at the edge of the trail right-of-way. This change is intended to provide developmental flexibility along the B-Line trail.

Action: Not Introduced
Action Date: December 11, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. Courthouse Square Overlay (CSO) District
Section 20.03.060 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-6 (Draft F); Page 3-5 (Integrated UDO)

(D) B-Line Trail:
 (ii) For new development adjacent to the B-Line Trail, no setback is required from the trail right-of-way. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right-of-way.
2. Downtown Core Overlay (DCO) District
Section 20.03.130 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-11 (Draft F); Page 3-9 (Integrated UDO)

(D) B-Line Trail:
 (ii) For new development adjacent to the B-Line Trail, no setback is required from the trail right-of-way. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right-of-way.

3. Downtown Edges Overlay (DEO) District
Section 20.03.270 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-23 (Draft F); Page 3-19 (Integrated UDO)

(D) For new development adjacent to the B-Line Trail, ~~no setback is required from the trail right-of-way. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.~~

4. Downtown Gateway Overlay (DGO) District
Section 20.03.340 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-27 (Draft F); Page 3-24 (Integrated UDO)

(D) For new development adjacent to the B-Line Trail, ~~no setback is required from the trail right-of-way. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.~~

5. Showers Technology Park Overlay (STPO) District
Section 20.03.410 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-32 (Draft F); Page 3-28 (Integrated UDO)

(D) B-Line Trail:

(ii) For new development adjacent to the B-Line Trail, ~~no setback is required from the trail right-of-way. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.~~